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REPORT

SUBMITTED BY

THE SECRETARY OF COMMERCE

PURSUANT TO

Section 12 of the Federal-Aid Highway Act of 1954

AND

PROPOSED BILL

TO REVISE AND CLARIFY EXISTING HIGHWAY LEGISLATION

JANUARY 5, 1955

Printed for the use of the Committee on Public Works

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LETTER OF TRANSMITTAL

THE SECRETARY OF COMMERCE,
Washington 25, December 30, 1954.

Hon. GEORGE A. DONDERO,
Chairman, Committee on Public Works,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: Pursuant to the directive contained in section 12 of the Federal-Aid Highway Act of 1954, approved May 6, 1954, I am transmitting herewith a suggested draft of a bill for a Federal-Aid Highway Act.

The draft bill appears as part II of the enclosed document entitled "Report pursuant to section 12 of the Federal-Aid Highway Act of 1954, including a proposed bill for a Federal-Aid Highway Act," which was prepared by the Bureau of Public Roads. The report also contains parts showing procedures followed in preparation of the bill, differences between its provisions and those of existing law, and the disposition of provisions of present statutes.

The primary purpose of the draft bill is to remove the numerous duplications and conflicts which have crept into the large body of law governing the Federal-aid highway program, and to put such law into a more useful and understandable form. Consequently, the changes which have been made in existing law are more technical than substantive. Where changes have been made, they have been explained in part IV of the report.

As will appear from part III of the title page of the report, I had intended to make a number of recommendations for changes in the draft bill which would have resulted in substantive changes in existing law. However, it became apparent that certain of the recommendations required coordination with various Federal agencies which they affected, and it has been necessary to withhold them for the present. They will be transmitted as soon as possible.

The Bureau of the Budget advises that it regards a compilation, including technical adjustments, of existing highway legislation as desirable. It further advises that while there is no objection to the submission of the draft bill included in this report, there has not been sufficient time to permit the Bureau to review and comment upon it.

I believe that enactment of the draft bill would clarify the existing Federal-aid highway laws, and result in a better understanding of their provisions. I recommend the bill to the serious consideration of your committee.

It is unnecessary for me to say that the Department will be pleased to assist your committee further in any manner.

Sincerely yours,

SINCLAIR WEEKS,
Secretary of Commerce.

LETTER OF SUBMITTAL

DECEMBER 30, 1954.

Hon. SINCLAIR WEEKS,
Secretary, Department of Commerce, Washington, D. C.

DEAR MR. SECRETARY: In accordance with your request, I have prepared and am attaching hereto a report pursuant to section 12 of the Federal-Aid Highway Act of 1954. There is included in this report, as part II, the proposed bill called for by section 12.

Part I of the report contains a general explanation of our approach to the preparation of the proposed bill. We have endeavored to make the proposed bill a clear, unified, up-to-date version of the Federal-aid highway laws.

I recommend this report, and request that you transmit it with your approval to the Committees on Public Works of the Senate and of the House of Representatives pursuant to section 12. The enactment of the proposed bill, in my opinion, will not only facilitate the administration of the Federal-aid highway laws, but will also be a great convenience to all members of the general public who have occasion to deal with them.

Sincerely yours,

C. D. CURTISS,
Acting Commissioner, Bureau of Public Roads.

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SECTION 12 OF THE FEDERAL-AID HIGHWAY ACT OF 1954

SEC. 12. The Secretary of Commerce is authorized and directed to transmit to the Committees on Public Works of the Senate and of the House of Representatives not later than December 31, 1954, a suggested draft of a bill or bills for a Federal Highway Act, which will include such provisions of existing law, and such changed or new provisions as the Secretary deems advisable. The Secretary shall also submit a report commenting on the draft of bill or bills, which shall include specific reference to each change in, or omission of, any provision of existing law.

PART I

Introductory

The first Federal-Aid Road Act was approved on July 11, 1916. Since that date Congress has enacted many laws for the purpose of amending or supplementing the original act. In all, there are 36 separate enactments, excluding appropriation acts, which so affect the original act and its current administration. The substance of the provisions which are believed to be still in effect and not obsolete have been incorporated into the proposed bill. Accordingly, the bill provides for therepeal of the original act and the 36 separate enactments.[1]

The authorizations in the original act for Federal-aid highways were $5 million for the fiscal year ending June 30, 1917. The amount was increased by $5 million for each succeeding fiscal year until the year 1921, when the sum of $25 million was authorized. The authorized appropriation for Federal-aid highways under the Federal-Aid Highway Act of 1954 was $875 million for the fiscal years ending June 30, 1956, and June 30, 1957. During the period between 1921 and 1954, the authorized appropriations were raised generally on a biannual basis.

Many new provisions were inserted in the various enactments. It was very seldom that amendments were accomplished by express amendatory language. Many provisions have become obsolete or, presumably, have been amended or repealed by implication through the enactment of later provisions. The administration and expenditure of the large sums now authorized have attained such importance that a revision of these laws is clearly warranted.

When Congress included section 12 in the Federal-Aid Highway Act of 1954, it, undoubtedly, was aware of these facts. In the preparation of the proposed bill efforts were directed toward the production of a clear, unified, up-to-date version of the Federal-aid highway laws. The accomplishment of this general objective was not possible by a mere codification, because of the number of provisions which have become obsolete and some of the other factors mentioned below.

In order to attain the foregoing general objective, a number of particular aims were followed. Of course, all of the provisions which it has been deemed advisable to incorporate into the proposed bill have been so incorporated, with the result that the existing law will be all contained in one enactment. Every effort has been made to make the language clear and to use uniform terminology throughout the bill. All overlapping, or unnecessary, or obsolete provisions have been eliminated. Where practices and customs in administering the law have developed over the years and are known to the congressional committees, legislative sanction for such practices were included in the proposed bill.

[1] For schedule of laws repealed, see schedule A of the proposed bill (p. 54, pt. II).

It was believed unwise to include in the proposed bill provisions which might be deemed to be of a controversial nature. The proposed bill contains no changes whatsoever affecting authorizations, apportionments, or similar matters; nor does it contain any provisions dealing with important problems of highway construction currently facing the Nation, such as highway financing, toll roads, and similar questions. It is believed that problems of this type are beyond the scope of section 12.

While matters believed to be of a controversial nature are not contained in the proposed bill, there are some recommendations contained in part III of this report which might be so classified. Section 12 provides in part that there shall be transmitted "* * * a suggested draft of a bill or bills for a Federal Highway Act * * *." Since Congress recognized the possibility of more than one bill, it was felt that Congress, perhaps, desired alternative suggestions. These were not deemed sufficient in number to warrant the draft of a second bill. Accordingly, they are included in the form of recommendations. They are so arranged that the committees can very readily include any recommendations which they approve in the proposed bill. The recommendations speak for themselves, but in general they are recommendations concerning administrative problems rather than general highway problems deemed beyond the scope of section 12.

Section 12 calls for a report commenting on the draft bill "* * * which shall include specific reference to each change in, or omission of, any provision of existing law." In order to comply with this requirement and to make as clear as possible the action taken in drafting the proposed bill with respect to existing and old law, parts IV and V are included in this report.

In part IV the provisions of the proposed bill and the provisions of the existing law which are regarded as sources for the new provisions, are arranged in columnar form for purposes of comparison. From this arrangement a person may readily ascertain the changes, if any, between the new and the existing provisions. Occasional comments regarding changes are made in instances where it is felt desirable to bring the change to the attention of the committees.

In order that the disposition of each of the provisions of the old and existing law will be clear to the committees, there is included in part V of this report a copy of the 37 different acts which are affected by the proposed bill. Various markings are used to indicate the provisions which have been eliminated and the reasons for those eliminations which can be classified in a general category. There are also included in part V comments on the reasons for the elimination of the certain provisions which do not fall into one of the general categories.

If a person is interested in the specific disposition of any given provision of the old or existing law, he may turn to part V. If the provision has been eliminated that fact will appear. If the provision has not been eliminated, there will be a reference to that section of the proposed bill for which the provision in question is regarded as a source. Every provision in the existing or old law may be checked in this manner as to its ultimate disposition.

In drafting the proposed bill for the purpose of making its provisions clear cut, it was necessary to use similar language and terminology throughout. In many instances this resulted in changes from the verbatim language of the existing provisions. However, most changes

of this type are not deemed to amend the existing law. The proposed bill has been set up in such a pattern that future authorization acts and changes may be readily accomplished by the specific amendment of specific numbered provisions. If this amendment technique is used in the future, the law will continue to be clear cut and unambiguous.

In the preparation of the proposed bill, suggestions were requested from the division and district engineers of the Bureau of Public Roads located in all parts of the country. Many suggestions were received. These were screened and the most important ones thoroughly discussed and considered at meetings of the Commissioner, the Deputy Commissioners, and the Solicitor. As a result, the proposed bill represents the thinking of the men who are actually administering the Federal highway laws.

The more exhaustive the study of the present Federal-aid highway laws, the more it has become apparent that the enactment of section 12 was wise from every point of view. It is strongly recommended that the proposed bill be enacted.

PART II

A BILL To revise the Federal-aid highway laws of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

That this Act, divided into titles and sections according to the following table of contents, may be cited as "The Federal-Aid Highway Act."

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TITLE I—FEDERAL-AID HIGHWAYS

SEC. 101. AUTHORIZATIONS.—The provisions of this Act shall apply to all unappropriated authorizations contained in prior acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds upon the Federal-aid systems. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this Act.

SEC. 102. APPORTIONMENT.—(a) Whenever an apportionment is made of the sums authorized to be appropriated for expenditure upon the Federal-aid systems, the Secretary shall deduct a sum, in such amount not to exceed 3¾ per centum of all sums so authorized, as the Secretary may deem necessary for administering the provisions of this Act and for carrying on the research authorized by paragraphs (a) and (b) of section 304. In making such determination, the Secretary shall take into account the unexpended balance of any sums deducted for such purposes in prior years. The sum so deducted shall be available for expenditure from the unexpended balance of any appropriation made at any time for expenditure upon the Federal-aid systems, until such sum has been expended.

(b) On or before the January 1 next preceding the commencement of each fiscal year, the Secretary, after making the deduction authorized by paragraph (a) of this section, shall apportion the remainder of the sums authorized to be appropriated for expenditure upon the Federal-aid systems for that fiscal year, among the several States in the following manner:

(1) For the Federal-aid primary system: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census; one-third in the ratio which

the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by a certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary. No State shall receive less than one-half of 1 per centum of each year's apportionment.

(2) For the Federal-aid secondary system: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the rural population of each State bears to the total rural population of all the States as shown by the latest available Federal census; and one-third in the ratio which the mileage of rural delivery and star routes, certified as above provided, in each State bears to the total mileage of rural delivery and star routes in all the States. No State shall receive less than one-half of 1 per centum of each year's apportionment.

(3) For the Federal-aid primary system within urban areas and approved extensions of the Federal-aid secondary system within urban areas: In the ratio which the population in municipalities and other urban places, of 5,000 or more, in each State bears to the total population in municipalities and other urban places of 5,000 or more in all the States, as shown by the latest available Federal census. For the purpose of this subparagraph (3), Connecticut and Vermont towns shall be considered municipalities regardless of their incorporated status.

(4) For the interstate system: One-half in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census, except that no State shall receive less than three-fourths of 1 per centum of the funds so apportioned; and one-half in the manner provided in subparagraph (1) of this paragraph (b).

(c) No more than 10 per centum of the amount heretofore or hereafter apportioned in any fiscal year to each State in accordance with subparagraphs (1), (2), or (3) of paragraph (b) of this section may be transferred from the apportionment under one subparagraph to the apportionment under either of the other subparagraphs if such a transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. The total of such transfers shall not increase the original apportionment under any of such subparagraphs by more than 10 per centum. Nothing contained in this paragraph shall alter or impair the authority contained in paragraph (d) of this section.

(d) Any funds which are apportioned under subparagraph (2) of paragraph (b) of this section for the Federal-aid secondary system to a State in which all public roads and highways are under the control and supervision of the State highway department may, if the State highway department and the Secretary jointly agree that such funds are not needed for the Federal-aid secondary system, be expended for projects on another Federal-aid system.

(e) On or before the January 1, preceding the commencement of each fiscal year, the Secretary shall certify to each of the State highway departments the sums which he has apportioned hereunder to each State for such fiscal year, and also the sums which he has de-

ducted for administration and research pursuant to paragraph (a) of this section.

SEC. 103. FEDERAL-AID SYSTEMS.—(a) For the purposes of this Act, the three Federal-aid systems, namely, the primary, secondary and interstate systems, established by prior acts, are hereby continued pursuant to the provisions of this section.

(b) The Federal-aid primary system shall consist of an adequate system of connected main highways, selected or designated by each State through its State highway department, subject to the approval of the Secretary as provided by paragraph (e) of this section. This system shall not exceed 7 per centum of the total highway mileage of such State, exclusive of mileage within national forests, Indian or other Federal reservations and within urban areas, as shown by the records of the State highway department on November 9, 1921. Whenever provision has been made by any State for the completion and maintenance of 90 per centum of its Federal-aid primary system, as originally designated, said State through its State highway department by and with the approval of the Secretary is authorized to increase the mileage of its Federal-aid primary system by additional mileage equal to not more than 1 per centum of the total mileage of said State as shown by the records on November 9, 1921. Thereafter, it may make like 1 per centum increases in the mileage of its Federal-aid primary system whenever provision has been made for the completion and maintenance of 90 per centum of the entire system, including the additional mileage previously authorized. This system may be located both in rural and urban areas. The mileage limitations in this paragraph shall not apply to the District of Columbia, Hawaii, or Puerto Rico.

(c) The Federal-aid secondary system shall be selected by the State highway departments and the appropriate local road officials in cooperation with each other, subject to approval by the Secretary as provided in paragraph (e) of this section. In making such selections, farm-to-market roads, rural mail routes, public school bus routes, local rural roads, county roads, township roads, and roads of the county road class may be included, so long as they are not on the Federal-aid primary or interstate system. This system shall be confined to rural areas, except (1) that in any State having a population density of more than 200 per square mile as shown by the latest available Federal census, the system may include mileage in urban areas as well as rural, and (2) that the system may be extended into urban areas subject to the conditions that any such extension passes through the urban area or connects with another Federal-aid system within the urban area, and that Federal participation in projects on such extensions is limited to urban funds.

(d) The interstate system shall be designated within the continental United States and it shall not exceed 40,000 miles in total extent. It shall be so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of this system shall be selected by joint action of the State highway departments of each State and the adjoining States, subject to approval by the Secretary as provided in paragraph (e) of this section. All highways or routes included in the

interstate system as finally approved, if not already coincident with the primary system, shall be added to said system without regard to the mileage limitation set forth in paragraph (b) of this section. This system may be located both in rural and urban areas.

(e) The Secretary shall have authority to approve in whole or in part the Federal-aid primary system, the Federal-aid secondary system, and the interstate system, as and when such systems or portions thereof are designated, or to require modifications or revisions thereof. No Federal-aid system or portion thereof shall be eligible for projects in which Federal funds participate until approved by the Secretary.

SEC. 104. PROGRAMS.—(a) As soon as practicable after the apportionments for the Federal-aid systems have been made for any fiscal year, the State highway department of any State desiring to avail itself of the benefits of this title shall submit to the Secretary for his approval a program or programs of proposed projects for the utilization of the funds apportioned. The Secretary shall act upon programs submitted to him as soon as practicable after the same have been submitted. The Secretary may approve a program in whole or in part, but he shall not approve any project in a proposed program which is not located upon an approved Federal-aid system.

(b) In approving programs for projects on the Federal-aid secondary system, the Secretary shall require, except in States where all public roads and highways are under the control and supervision of the State highway department, that such projects be selected by the State highway department and the appropriate local officials in cooperation with each other.

(c) In approving programs for projects on the Federal-aid primary system, the Secretary shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

(d) In approving programs for projects under this title, the Secretary may give priority of approval to, and expedite the construction of, projects that are recommended as important to the national defense by the Secretary of Defense, or other agency authorized by the President to make such recommendation.

(e) In approving programs in Hawaii, the Secretary shall give preference to such projects as will expedite the completion of highways for the national defense or which will connect seaports with units of the national parks.

SEC. 105. PLANS, SPECIFICATIONS, AND ESTIMATES.—(a) Except as provided in section 111, the State highway department shall submit to the Secretary for his approval, as soon as practicable after program approval, such surveys, plans, specifications, and estimates for each proposed project included in an approved program as the Secretary may require. The Secretary shall act upon such surveys, plans, specifications, and estimates as soon as practicable after the same have been submitted, and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto. In taking such action, the Secretary shall be guided by the provisions of section 106.

(b) In addition to the approval required under paragraph (a) of this section, proposed specifications for projects for construction on the Federal-aid secondary system, except in States where all public roads and highways are under the control and supervision of the

State highway department, shall be determined by the State highway department and the appropriate local officials in cooperation with each other.

(c) Items included in any such estimate for engineering, except preliminary engineering, and inspection costs shall not exceed 10 per centum of the total estimated cost of the project, after excluding from such total estimated cost, the estimated costs of rights-of-way, preliminary engineering, supervising, and inspecting.

SEC. 106. STANDARDS.—(a) The Secretary shall not approve plans and specifications for proposed projects on any Federal-aid system if they fail to provide for a facility (1) that will adequately meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance; and (2) that will be designed and constructed in accordance with standards best suited to accomplish the foregoing objectives and to conform to the particular needs of each locality.

(b) Projects on the Federal-aid secondary system in which Federal funds participate shall be constructed according to specifications that will provide all-weather service and permit maintenance at a reasonable cost.

(c) On any highway project in which Federal funds hereafter participate, or on any such project constructed since December 20, 1944, the location, form, and character of informational, regulatory, and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority or other agency, shall be subject to the approval of the State highway department with the concurrence of the Secretary, who is hereby directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

(d) No funds shall be approved for expenditure on any Federal-aid highway, or highway affected under title II, unless proper safety protective devices complying with safety standards determined by the Secretary at that time as being adequate shall be installed or be in operation at any highway or railroad grade crossing on that portion of the highway with respect to which such expenditures are to be made.

(e) No funds shall be approved for expenditure on any Federal-aid highway, or highway affected by title II, unless proper safety protective devices complying with safety standards determined by the Secretary at that time as being adequate shall be installed or be in operation at any drawbridge on that portion of the highway with respect to which such expenditures are to be made.

(f) The Secretary shall not, as a condition precedent to his approval under section 105, require any State to acquire title to, or control of, any marginal land along the proposed highway in addition to that reasonably necessary for road surfaces, median strips, gutters, ditches, and side slopes, and of sufficient width to provide service roads for adjacent property to permit safe access at controlled locations in order to expedite traffic, promote safety, and minimize roadside parking.

SEC. 107. PROJECT AGREEMENTS.—(a) As soon as practicable after the plans, specifications, and estimates for a specific project have been approved, the Secretary shall enter into a formal project agreement with the State highway department concerning the construction and maintenance of such project. Such project agreement shall make provision for State funds required for the State's pro rata share of the

cost of construction of such project and for the maintenance thereof after completion of construction.

(b) The Secretary may rely upon any representations made by the State highway department with respect to any arrangements or agreements made by the State highway department and appropriate local officials where a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.

SEC. 108. LETTING OF CONTRACTS.—(a) The provisions of this section shall not be applicable to contracts for projects on the Federal-aid secondary system in those States where the Secretary has discharged his responsibility pursuant to section 111.

(b) A request for the submission of bids for the construction of each project on a Federal-aid system, a defense access road, or a public lands highway, unless some other method is permitted under the provisions of paragraph (c) of this section, shall be made by advertisement in all cases where the construction is to be performed by the State highway department or under its supervision. The Secretary shall require such plans and specifications and such methods of bidding as shall be effective in securing competition.

(c) Construction of each project, subject to the provisions of paragraph (b) of this section, shall be performed by contract awarded by competitive bidding, unless the Secretary shall affirmatively find that, under the circumstances relating to such project, some other method is in the public interest. All such findings shall be reported promptly in writing to the Committees on Public Works of the Senate and the House of Representatives.

(d) The Secretary shall require as a condition precedent to his approval of each contract awarded by competitive bidding pursuant to paragraph (c), and subject to the provisions of this section, a sworn statement, executed by, or on behalf of, the person, firm, association, or corporation to whom such contract is to be awarded, certifying that such person, firm, association, or corporation, has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract.

(e) No contract awarded by competitive bidding pursuant to paragraph (c), and subject to the provisions of this section, shall be entered into by any State highway department or local subdivision of the State without compliance with the provisions of this section, and without the prior concurrence of the Secrtary in the award thereof.

SEC. 109. CONSTRUCTION.—(a) The construction of any highways or portions of highways located on a Federal-aid system shall be undertaken by the respective State highway departments or under their direct supervision. Such construction in each State shall be carried out in accordance with its laws, except to the extent that such laws may be in conflict with the laws of the United States or the regulations made under this Act. Except as provided in section 111, such construction shall be subject to the inspection and approval of the Secretary. Construction may be begun as soon as sums are available for expenditure pursuant to paragraph (a) of section 112.

(b) Convict labor shall not be used in such construction unless it is labor performed by convicts who are on parole or probation.

SEC. 110. MAINTENANCE.—(a) It shall be the duty of the State highway department to maintain, or cause to be maintained, any

project constructed under the provisions of this title or constructed under the provisions of prior acts. The duty to maintain any such project shall cease when it no longer constitutes a part of a Federal-aid system.

(b) In any State wherein the State highway department is without legal authority to maintain a project constructed on the Federal-aid secondary system, or within a municipality, such highway department shall enter into a formal agreement for its maintenance with the appropriate officials of the county or municipality in which such project is located.

(c) If at any time the Secretary shall find that any project constructed under the provisions of this title, or constructed under the provisions of prior acts, is not being properly maintained, he shall call such fact to the attention of the State highway department. If, within ninety days after receipt of such notice, such project has not been put in proper condition of maintenance, the Secretary shall withhold approval of further projects of all types in the entire State until such project shall have been put in proper condition of maintenance, unless such project is subject to an agreement pursuant to paragraph (b) of this section, in which case approval shall be withheld only for secondary or urban projects in the county or municipality where such project is located.

SEC. 111. SECONDARY ROAD RESPONSIBILITY.—(a) The Secretary may, upon the request of any State highway department, discharge his responsibility relative to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of all projects on the Federal-aid secondary system by his receiving and approving a certified statement by the State highway department setting forth that the plans, design, and construction for each such project are in accord with those standards and procedures which (1) were adopted by such State highway department, (2) were applicable to projects in this category, and (3) were approved by him.

(b) The Secretary shall not approve such standards and procedures unless they are in accordance with the provisions of paragraph (b) of section 104, paragraph (b) of section 105, and paragraph (b) of section 106.

(c) The foregoing provisions of this section shall not be construed to relieve the Secretary of his obligation to make a final inspection of each project after construction and to require an adequate showing of the estimated cost of construction and the actual cost of construction.

SEC. 112. AVAILABILITY OF SUMS APPORTIONED.—(a) On and after the date that the Secretary has certified to each State highway department the sums apportioned to each Federal-aid system or part thereof pursuant to an authorization under this Act, or under prior Acts, such sums shall be available for expenditure under the provisions of this Act.

(b) Such sums shall continue available for expenditure in that State for the appropriate Federal-aid system or part thereof for a period of two years after the close of the fiscal year for which such sums are authorized and any amounts so apportioned remaining unexpended at the end of such period shall lapse, subject to the conditions that sums for any fiscal year shall be deemed to be expended if a sum equal to the total of the sums apportioned to the State for

such fiscal year and previous fiscal years is covered by formal project agreements providing for the expenditure of funds authorized by each Act which contains provisions authorizing the appropriation of funds for Federal-aid highways. Any Federal-aid highway funds released by the payment of the final voucher or by the modification of the formal project agreement shall be credited to the same class of funds, primary, secondary, urban, or interstate, previously apportioned to the State and be immediately available for expenditure.

(c) The total payments to any State shall not at any time during a current fiscal year exceed the total of all apportionments to such State in accordance with section 102 for such fiscal year and all preceding fiscal years.

SEC. 113. FEDERAL SHARE PAYABLE.—(a) Subject to the provisions of paragraph (c) of this section, the Federal share payable on account of any project, financed with primary, secondary, or urban funds, on the Federal-aid primary system and the Federal-aid secondary system shall not exceed 50 per centum of the cost of construction, except that in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area.

(b) Subject to the provisions of paragraph (c) of this section, the Federal share payable on account of any project, financed with interstate funds on the interstate system shall not exceed 60 per centum of the cost of construction, except that in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area.

(c) The Federal share payable on account of any project for the elimination of hazards of railway-highway crossings, as more fully described and subject to the conditions and limitations set forth in section 121, may amount to 100 per centum of the cost of construction of such projects, except that not more than 50 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from sums apportioned in accordance with section 102. Not more than 10 per centum of all the sums apportioned for all the Federal-aid systems for any fiscal year in accordance with section 102 shall be used under this paragraph or under section 121.

(d) The Secretary may rely on a certificate from the Secretary of the Department of the Interior certifying as to the area of the lands referred to in paragraphs (a) and (b) of this section. The Secretary of the Interior is hereby authorized and directed to make such a certificate as of June 30 of each year.

(e) The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 117 shall not exceed 50 per centum of the cost thereof.

(f) The Secretary is authorized to cooperate with the State highway departments and with the Department of the Interior in the construction of Federal-aid highways within Indian reservations, non-

taxable Indian lands, and national parks and monuments under the jurisdiction of the Department of the Interior and to pay the amount assumed therefor from the funds apportioned in accordance with section 102 to the State wherein the reservations and national parks and monuments are located.

SEC. 114. PAYMENT TO STATES FOR CONSTRUCTION.—(a) The Secretary may, in his discretion, from time to time as the work progresses, make payments to a State for costs of construction incurred by it on a project. These payments shall at no time exceed the Federal share of the costs of construction incurred to the date of the voucher covering such payment.

(b) After completion of a project in accordance with the plans and specifications, and approval of the final voucher by the Secretary, a State shall be entitled to payment out of the appropriate sums apportioned to it of the unpaid balance of the Federal share payable on account of such project.

(c) No payment shall be made under this title, except for a project located on a Federal-aid system and covered by a project agreement. No final payment shall be made to a State for its costs of construction of a project until the completion of the construction has been approved by the Secretary following inspections pursuant to section 109 (a).

(d) In making payments pursuant to this section, the Secretary shall be bound by the limitations with respect to the permissible amounts of such payments contained in sections 113 and 121. Payments for engineering, except preliminary engineering, and inspection costs on any one project shall not exceed the Federal share of 10 per centum of the cost of construction of such project after excluding from the cost of construction the costs of rights-of-way, preliminary engineering, supervising, and inspecting.

(e) Such payments shall be made to such official or officials or depository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State.

SEC. 115. PAYMENT TO STATES FOR BOND RETIREMENT.—Any State that shall use the proceeds of bonds issued by the State, county, city, or other political subdivision of the State for the construction of one or more projects on the Federal-aid primary or interstate system may claim payment of any portion of the sums apportioned to it for expenditure on such system to aid in the retirement of the principal of such bonds at their maturities, to the extent that the proceeds of such bonds have been actually expended in the construction of one or more of such projects. Such claim for payment may be made only when all of the provisions of this Act have been complied with to the same extent and with the same effect as though payment were to be made to the State under section 114, instead of this section 115, and the Federal share payable shall not exceed the pro rata basis of payment authorized in section 113. This section shall not be construed as a commitment or obligation on the part of the United States to provide funds for the payment of the principal of any such bonds.

SEC. 116. ADVANCES TO STATES.—If the Secretary shall determine that it is necessary for the expeditious completion of projects on any of the Federal-aid systems, he may advance to any State out of any existing appropriations the Federal share of the cost of construction thereof to enable the State highway department to make prompt payments for

the construction as it progresses. The sums so advanced shall be deposited in a special revolving trust fund, by the State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for construction which has been actually performed and approved by the Secretary pursuant to this title. Upon determination by the Secretary that any part of the funds advanced to any State under the provisions of this section are no longer required, the amount of the advance, which is determined to be in excess of current requirements of the State, shall be repaid upon his demand, and such repayments shall be returned to the credit of the appropriation from which the funds were advanced. Any sums advanced and not repaid on demand shall be deducted from sums due the State for the Federal pro rata share of the cost of work done on Federal-aid projects.

SEC. 117. EMERGENCY RELIEF.—An emergency fund is authorized for expenditure by the Secretary in accordance with the provisions of this section. The Secretary may expend funds therefrom, after receipt of an application therefor from a State highway department, for the repair or reconstruction of highways on any of the Federal-aid systems in accordance with the provisions of this title when he shall find such highways have suffered serious damage as the result of disaster over a wide area, such as by floods, hurricanes, tidal waves, earthquakes, severe storms, landslides, or other catastrophes in any part of the United States. The appropriation of such moneys, not to exceed $10,000,000, as may be necessary for the initial establishment of this fund and for its replenishment on an annual basis is hereby authorized. Pending such appropriation or replenishment, the Secretary may expend from existing appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, such existing appropriations to be reimbursed from the appropriation hereinabove authorized when made. No funds shall be expended under the provisions of this section with respect to any such catastrophe in any State unless an emergency has been declared by the governor of such State and concurred in by the Secretary.

SEC. 118. DIVERSION.—(a) Since it is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, maintenance, administration, or operation of highways, an apportionment for any fiscal year of the entire sums authorized to be apportioned for that year shall not be made to a State that uses during the last preceding annual period for which figures are available for the construction, improvement, maintenance, or operation of highways and administrative expenses in connection therewith, including payments of principal and interest on bonds issued for highway purposes, a sum, less than the sum that would have been derived from its State motor vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators of all kinds, if its laws in effect on June 18, 1934 were still in effect. Where actual figures are not available estimates on such reasonable basis as may be approved by the Secretary may be used by him for the purposes of this section.

(b) In no case shall the provisions of this section operate to deprive any State of more than one-third of the entire apportionment authorized under this title to which that State would be entitled in any

fiscal year. The amount of any reduction in a State's apportionment shall lapse.

SEC. 119. BYPASS HEARINGS.—Any State highway department which submits plans for a Federal-aid highway project involving the bypassing of any city or town shall certify to the Secretary that it has had public hearings and considered the economic effects of such a location.

SEC. 120. CERTAIN TOLL BRIDGES AND TUNNELS.—Notwithstanding the provisions of section 301, the Secretary may permit Federal participation, on the same basis and in the same manner as in the construction of free highways under this title, in the construction of any toll bridge, toll tunnel, or approach thereto, upon compliance with the conditions contained in this section. Such bridge, tunnel, or approach thereto, must be publicly owned and operated. Federal funds may participate in the approaches to a toll bridge or toll tunnel whether such bridge or tunnel is to be or has been constructed, or acquired, by the State or other public authority. The State highway department or departments must be a party or parties to an agreement with the Secretary whereby it or they undertake performance of the following obligations:

(1) All tolls received from the operation of the bridge or tunnel, less the actual cost of such operation and maintenance, shall be applied to the repayment to the State or other public authority of all of the costs of construction of such bridge or tunnel, except that part which was contributed by the United States;

(2) No tolls shall be charged for the use of such bridge or tunnel after the State or other public authority shall have been so repaid; and

(3) After the date of final repayment, the bridge or tunnel shall be maintained and operated as a free bridge or free tunnel.

SEC. 121. RAILWAY-HIGHWAY CROSSINGS.—(a) Except as provided in paragraphs (c) of section 113 and (b) of this section, the entire cost of construction of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from sums apportioned in accordance with section 102. In any case when the elimination of the hazards of a railway-highway crossing can be effected by the relocation of a portion of a railway at a cost estimated by the Secretary to be less than the cost of such elimination by one of the methods mentioned in the first sentence of this section, then the entire cost of such relocation project, except as provided in paragraph (c) of section 113 and (b) of this section, may be paid from sums apportioned in accordance with section 102.

(b) The Secretary may classify the various types of projects involved in the elimination of hazards of railway-highway crossings, and may set for each such classification a percentage of the costs of construction which shall be deemed to represent the net benefit to the railroad for the purpose of determining the railroad's share of the cost of construction. The percentage so determined shall in no case exceed 10 per centum. The Secretary shall determine the appropriate classification of each project.

(c) Any railroad involved in a project for the elimination of hazards of railway-highway crossings paid for in whole or in part from sums made available for expenditure under this Act, or prior Acts, shall be liable to the United States for the net benefit to the railroad determined under the classification of such project made pursuant to paragraph (b). Such liability to the United States may be discharged by direct payment to the State highway department of the State in which the project is located, in which case such payment shall be credited to the cost of the project. Such payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of such project. If any such railroad fails to discharge such liability within a six-month period after completion of the project it shall be liable to the United States for its share of the cost, and the Secretary shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this paragraph. The Attorney General is authorized to bring such proceedings on behalf of the United States in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railroad is liable for in the premises. Any amounts recovered by the United States under this paragraph shall be credited to miscellaneous receipts.

TITLE II—OTHER HIGHWAYS AFFECTED BY THIS ACT

SEC. 201. AUTHORIZATIONS.—The provisions of this Act shall apply to all unappropriated authorizations contained in prior Acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds on the following classes of highways: forest highways; forest development roads and trails; park roads and trails; parkways; Indian reservation roads; public lands highways; and defense access roads. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this Act.

SEC. 202. APPORTIONMENT.—(a) On or before the January 1 next preceding the commencement of each fiscal year, the Secretary shall apportion the sums authorized for expenditure for such fiscal year for forest highways in the several States and Alaska, according to the area and value of the land owned by the United States within the national forests therein, which the Secretary of Agriculture is directed to determine and certify to the Secretary from such information, sources, and departments as the Secretary of Agriculture may deem most accurate.

(b) On or before the January 1 next preceding the commencement of each fiscal year, the Secretary of Agriculture shall apportion all sums authorized to be appropriated for forest development roads and trails among the several States and Alaska, according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber, or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

(c) The Secretary shall expend all sums appropriated for expenditure for public lands highways among those States having more than

5 per centum of their area in unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary upon application of the State highway departments of the respective States. Preference shall be given to those projects which are located on a Federal-aid system.

SEC. 203. AVAILABILITY OF FUNDS.—(a) Any sums authorized for the fiscal years ending June 30, 1955, June 30, 1956, and June 30, 1957, for forest highways, forest development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands highways shall be immediately available for contract. Any sums remaining unexpended for a period of two years after the close of the fiscal year for which authorized shall lapse. The Secretary of the Department charged with the administration of such sums is hereby granted authority to incur obligations, approve projects, and enter into contracts under such authorizations and his action in doing so shall be deemed a contractual obligation of the United States for the payment of the cost thereof and such sums shall be deemed to have been expended when so obligated, except that with respect to forest highways, such sums shall be deemed to have been expended if a sum equal to the total of the sums apportioned for the State for such fiscal year and previous fiscal years shall have been so obligated, and any of such sums released by payment of final vouchers or modification of project agreements shall be credited to the sums previously apportioned for the State for forest highways and be immediately available for expenditure.

(b) Appropriations made pursuant to any authorizations heretofore, or hereafter enacted for forest highways, shall be considered available to the Secretary for the purpose of discharging any obligations created for forest highway projects in any State or in Alaska.

(c) The total expenditures on account of any State or Alaska shall at no time exceed the total of its authorized apportionments.

SEC. 204. FOREST HIGHWAYS.—(a) The Secretary shall expend the sums apportioned in accordance with paragraph (a) of section 202 for the costs of construction and maintenance of forest highways, and in connection therewith may enter into construction contracts and such other contracts with a State, Alaska, or civil subdivision thereof as he deems advisable.

(b) Cooperation of States, counties, or other local subdivisions may be accepted but shall not be required by the Secretary.

(c) Construction estimated to cost $5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than $5,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary on his own account. For such purpose, the Secretary may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries, and other expenses for help employed in connection with such work.

(d) All appropriations for forest highways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of Agriculture.

(e) The Secretary shall transfer to the Secretary of Agriculture from appropriations for forest highways such amounts as may be

needed to cover necessary administrative expenses of the Forest Service in connection with the forest highway program. Appropriations made pursuant to any authorization for forest highways shall be considered available for expenditure by the Secretary for necessary administrative and engineering expenses in connection therewith.

SEC. 205. FOREST DEVELOPMENT ROADS AND TRAILS.—(a) The Secretary of Agriculture shall expend the sums apportioned pursuant to paragraph (b) of section 202 for the costs of construction and maintenance of forest development roads and trails, and adjacent vehicular parking areas, and in connection therewith may enter into construction contracts and such other contracts with a State, Alaska, or civil subdivision thereof, and issue such regulations as he deems advisable.

(b) Cooperation of States, counties, or other local subdivisions may be accepted but shall not be required by the Secretary of Agriculture.

(c) Construction estimated to cost $10,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than $10,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account. For such purpose, the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries, and other expenses for help employed in connection with such work.

SEC. 206. PARK ROADS AND TRAILS.—(a) Sums available for park roads and trails shall be used to cover the cost of construction thereof.

(b) Appropriations for the construction, reconstruction, and improvement of park roads shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

SEC. 207. PARKWAYS.—(a) Sums available for parkways shall be used to cover the cost of construction thereof.

(b) Appropriations for the construction of parkways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

(c) The location of parkways upon public lands, national forests, or other Federal reservations shall be determined by agreement between the department having jurisdiction over such lands and the National Park Service.

SEC. 208. INDIAN RESERVATION ROADS.—(a) Sums available for Indian reservation roads shall be used to pay for the cost of construction and maintenance thereof.

(b) The Secretary shall approve the location, type, and design of all projects for Indian reservation roads before any expenditures are made thereon and all construction thereof shall be under the general supervision of the Secretary.

(c) Indian labor may be employed in such construction and maintenance under such rules and regulations as may be prescribed by the Secretary of the Interior.

SEC. 209. PUBLIC LANDS HIGHWAYS.—(a) Sums available for public lands highways shall be paid for the cost of construction and maintenance thereof.

(b) The Secretary is authorized to cooperate with the State highway departments and with the Secretary of the Department having jurisdiction over the particular lands, in the survey, construction and maintenance of public lands highways.

SEC. 210. DEFENSE ACCESS ROADS.—(a) The Secretary is authorized out of the sums authorized to be appropriated for defense access roads to provide for the construction and maintenance of, and to pay all or any part of the cost of construction of, defense access roads (including bridges, tubes, and tunnels thereon) to military reservations, to defense industries and defense industry sites, and to the sources of raw materials when such roads are certified to the Secretary as important to the national defense by the Secretary of Defense or such other official as the President may designate, and for replacing existing highways and highway connections that are shut off from general public use by necessary closures or restrictions at military reservations and defense industry sites.

(b) Not exceeding $5,000,000 of any funds appropriated under the Act approved October 16, 1951 (65 Stat. 422), may be used by the Secretary in areas certified to him by the Secretary of Defense as maneuver areas for such construction, maintenance and repair work as may be necessary to keep the highways therein, which have been or may be used for training of the armed forces, in suitable condition for such training purposes and for repairing the damage caused to such highways by the operations of men and equipment in such training.

(c) Whenever any project for the construction of a circumferential highway around a city or of a radial intracity route thereto submitted by any State is certified by the Secretary of Defense, or such other official as the President may designate, as being important for civilian or military defense, such project may be constructed out of the sums heretofore or hereafter authorized to be appropriated for defense access roads.

(d) The expenditure authorized by this section shall be available without regard to apportionment among the several States.

(e) If the Secretary shall determine that the State highway department of any State is unable to obtain possession and the right to enter upon and use the required rights-of-way, lands or interest in lands, improved, or unimproved, required for any project authorized by this section with sufficient promptness, the Secretary is authorized to acquire, enter upon, take possession thereof and expend funds for projects thereon, prior to approval of title by the Attorney General, in the name of the United States, such rights-of-way, lands or interest in lands as may be required in such State for such projects by purchase, donation, condemnation or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931, 46 Stat. 1421). The cost incurred by the Secretary in acquiring any such rights-of-way, lands or interest in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition; and shall be payable out of the funds available for paying the cost or the Federal share of the cost of the project for which such rights-of-way, lands, or interest in lands are acquired. The Secretary is further authorized and directed by proper deed executed in the name of the United States to convey any lands or interest in lands acquired in any State under the provisions of prior acts or of this section to the State highway department of such State

or to such political subdivision thereof as its laws may provide, upon such terms and conditions as may be agreed upon by the Secretary and the State highway department, or political subdivisions to which the conveyance is to be made.

SEC. 211. TIMBER ACCESS ROAD HEARINGS.—With respect to any proposed construction of a timber access road, advisory public hearings shall be held at a place convenient or adjacent to the area of construction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction.

SEC. 212. INTER-AMERICAN HIGHWAY.—(a) Sums appropriated for the Inter-American Highway shall be used to enable the United States to cooperate with the Governments of the American Republics situated in Central America—that is, with the Governments of the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama—in the survey and construction of the Inter-American Highway within the borders of the aforesaid Republics, respectively. Appropriations made for such purposes shall remain available until expended. Not to exceed one-third of the appropriation authorized for each fiscal year may be expended without requiring the country or countries in which such sums may be expended to match any part thereof, if the Secretary of State shall find that the cost of constructing said highway in such country or countries will be beyond their reasonable capacity to bear. The remainder of such authorized appropriations shall be available for expenditure only when matched to the extent required by this section by the country in which such expenditure may be made. Expenditures from the sums available on a matching basis shall not be made for the survey and construction of any portion of said highway within the borders of any country named herein unless such country shall provide and make available for expenditure in conjunction therewith a sum equal to at least one-third of the expenditures that may be incurred by that Government and the United States on such portion of the highway. All expenditures by the United States under the provisions of this section for material, equipment, and supplies shall, whenever practicable, be made for products of the United States or of the country in which such survey or construction work is being carried on. Construction work to be performed under contract shall be advertised for a reasonable period by the Minister of Public Works, or other similar official, of the government concerned in each of the participating countries and contracts shall be awarded pursuant to such advertisements with the approval of the Secretary. No part of the appropriations authorized shall be available for obligation or expenditure for work on said highway in any cooperating country unless the government of said country shall have assented to the provisions of this section; shall have furnished satisfactory assurances that it has an organization adequately qualified to administer the functions required of such country under the provisions hereof; and then only as such country may submit requests, from time to time, for the construction of any portion of the highway to standards adequate to meet present and future traffic needs. No part of said appropriations shall be available for obligation or expenditure in any such country until the government of that country shall have entered into an agreement with the United States which shall provide, in part, that said country—

(1) will provide, without participation of funds authorized, all necessary right-of-way for the construction of said highway, which right-of-way shall be of a minimum width where practicable of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged, for use by vehicles or persons of any portion of said highway constructed under the provisions of this section;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said highway by vehicles or persons from the United States that does not apply equally to vehicles or persons of such country;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such country and the United States are parties, or of any other treaty or international convention establishing similar reciprocal recognition; and

(5) will provide for the maintenance of said highway after its completion in condition adequately to serve the needs of present and future traffic.

(b) The survey and construction work authorized by this section shall be under the administration of the Secretary, who shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the governments of the American republics named in paragraph (a) of this section as may be required to carry out the purposes of this section shall be conducted through, or as authorized by, the Department of State.

(c) The provisions of this section shall not create or authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway construction or survey heretofore or hereafter undertaken in any of the countries enumerated in paragraph (a) of this section, other than the expenditures authorized by the provisions of this section.

(d) Appropriations made pursuant to any authorizations heretofore or hereafter enacted for the Inter-American Highway shall be considered available for expenditure by the Secretary for necessary administrative and engineering expenses in connection with the Inter-American Highway program.

SEC. 213. RAMA ROAD.—(a) Recognizing the mutual benefits that will accrue to the Republic of Nicaragua and to the United States from the completion of the road from San Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, the Secretary is authorized out of the sums appropriated for such purposes to provide for the construction of such road. Appropriations made for such purposes shall remain available until expended. No expenditure shall be made hereunder for the construction of said road until a request therefor shall have been received by the Secretary of State from the Government of the

Republic of Nicaragua nor until an agreement shall have been entered into by said Republic with the Secretary of State which shall provide, in part, that said Republic—

(1) will provide, without participation of funds authorized under this Act, or under prior acts, all necessary right-of-way for the construction of said highway, which right-of-way shall be of a minimum width where practicable of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged for the use of said highway by vehicles or persons;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said road by vehicles or persons from the United States that does not apply equally to vehicles or persons of such Republic;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such Republic and the United States are parties; or any other treaty or international convention establishing similar reciprocal recognition; and

(5) will maintain said road after its completion in proper condition adequately to serve the needs of present and future traffic.

(b) The funds appropriated for such purposes shall be available for expenditure in accordance with the terms of this section for the survey and construction of the said road from San Benito to Rama and for the survey but not for the construction of a road from Rama to El Bluff in the Republic of Nicaragua without being matched by said Republic, and all expenditures made under the provisions of this section for materials, equipment, and supplies shall, whenever practicable, be made for products of the United States or of the Republic of Nicaragua.

(c) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary.

TITLE III—GENERAL PROVISIONS AND DEFINITIONS

SEC. 301. FREEDOM FROM TOLLS.—Except as provided in section 120 with respect to certain toll bridges and toll tunnels, all highways constructed under the provisions of this Act shall be free from tolls of all kinds.

SEC. 302. STATE HIGHWAY DEPARTMENT.—(a) Any State desiring to avail itself of the provisions of this Act shall have a State highway department which shall have adequate powers, and be suitably equipped and organized to discharge to the satisfaction of the Secretary the duties required by this Act. Among other things, the organization shall include a secondary road unit.

(b) The State highway department may arrange with a county or group of counties for competent highway engineering personnel suitably organized and equipped to the satisfaction of the State highway department, to supervise construction and maintenance on a

county-unit or group-unit basis, for the construction of projects on the Federal-aid secondary system, financed with secondary funds, and for the maintenance thereof.

SEC. 303. BUREAU ORGANIZATION.—(a) The Bureau of Public Roads shall continue within the Department of Commerce as a primary unit administered by the Commissioner of Public Roads. The Secretary shall appoint the Commissioner, and is authorized to delegate to him any authority vested in the Secretary by this Act.

(b) The Secretary is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to be taken from the eligible lists of the Civil Service Commission, to rent buildings outside of the city of Washington, to purchase such supplies, material, equipment, office fixtures and apparatus, to advertise in the city of Washington for work to be performed in areas adjacent thereto, and to incur, and authorize the incurring of, such travel and other expense as he may deem necessary for carrying out the functions under this Act.

(c) The Secretary is authorized to procure temporary services in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U. S. C. 55a) but at rates for individuals not in excess of $100 per diem.

SEC. 304. RESEARCH AND PLANNING.—(a) The Secretary is authorized in his discretion to engage in research on all phases of highway construction, modernization, development, design, maintenance, safety, financing, and traffic conditions, including the effect thereon of State laws, and is authorized to test, develop, or assist in the testing and developing of any material, invention, patented article or process. The Secretary may publish the results of such research. The Secretary may carry out the authority granted hereby, either independently, or in cooperation with any other branch of the government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization, or person. The funds required to carry out the provisions of this subsection shall be taken out of the administrative and research funds authorized by section 102. The provisions of section 3709 of the Revised Statutes, as amended (41 U. S. C., sec. 5), shall not be applicable to contracts or agreements made under the authority of this subsection.

(b) The Secretary shall include in the highway research program herein authorized studies of economic highway geometrics, structures, and desirable weight and size standards for vehicles using the public highways and of the feasibility of uniformity in State regulations with respect to such standards and he shall report from time to time to the Committees on Public Works of the Senate and of the House of Representatives on the progress and findings with respect to such studies.

(c) Not to exceed 1½ per centum of the sums apportioned for any year to any State under section 102 shall be available for expenditure upon request of the State highway department, with the approval of the Secretary, with or without State funds, for engineering and economic surveys and investigations, for the planning of future highway programs and the financing thereof, for studies of the economy, safety and convenience of highway usage and the desirable regulation and equitable taxation thereof, and for research necessary in connection with the planning, design, construction, and

maintenance of highways and highway systems, and the regulation and taxation of their use.

SEC. 305. COOPERATION WITH FEDERAL AND STATE AGENCIES AND FOREIGN COUNTRIES.—(a) The Secretary is authorized to perform by contract or otherwise authorized engineering or other services in connection with the survey, construction, maintenance, or improvement of highways for other Government agencies, cooperating foreign countries, and State cooperating agencies, and reimbursement for such services (which may include depreciation on engineering and roadbuilding equipment used) shall be credited to the appropriation concerned.

(b) Appropriations for the work of the Bureau of Public Roads shall be available for expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment for distribution to projects under the supervision of the Bureau of Public Roads, or for sale or distribution to other Government agencies, cooperating foreign countries, and State cooperating agencies, and the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling) may be reimbursed to current applicable appropriations.

SEC. 306. COOPERATION WITH PAN-AMERICAN COUNTRIES.—The President is authorized to utilize the services of the Bureau of Public Roads in fulfilling the obligations of the United States under the Convention on the Pan-American Highway Between the United States and Other American Republics (51 Stat. 152), cooperation with several governments, members of the Pan-American Union, in connection with the survey and construction of the Inter-American Highway, and for performing engineering service in Pan-American countries for and upon the request of any agency or governmental corporation of the United States. Not to exceed $100,000 of administrative funds available in accordance with paragraph (a) of section 102 shall be available annually for the purpose of this section.

SEC. 307. DEFENSE.—In order to assure that adequate consideration is given to national and civil defense aspects in the planning and construction of highways constructed with the aid of Federal funds, the Secretary is authorized to consult from time to time with the heads of appropriate defense agencies and the Federal Civil Defense Administrator relative to the national and civil defense aspects of such highways.

SEC. 308. HIGHWAY IMPROVEMENTS STRATEGICALLY IMPORTANT TO THE NATIONAL DEFENSE.—Funds made available under paragraph (a) of section 102 may be used to pay the entire engineering costs of the surveys, plans, specifications, estimates, and supervision of construction of projects for such urgent improvements of highways strategically important from the standpoint of the national defense as may be undertaken on the order of the Secretary and as the result of request of the Secretary of Defense or such other official as the President may designate. With the consent of a State, funds made available under paragraph (b) of section 102 may be used to the extent deemed necessary and advisable by the Secretary to carry out the provisions of this section.

SEC. 309. DETAIL OF ARMY AND NAVY OFFICERS.—The Secretary of Defense, upon request of the Secretary, is authorized to make temporary details to the Bureau of Public Roads of officers of the Army

and officers of the Navy, without additional compensation, for technical advice and for consultation regarding highway needs for the national defense. Travel and subsistence expenses of officers so detailed shall be paid from appropriations available to the Department of Commerce on the same basis as authorized by law and by regulations of the Department of Defense for officers of the Army and for officers of the Navy.

SEC. 310. HIGHWAY SAFETY CONFERENCE.—The Secretary is authorized and directed to assist in carrying out the action program of the President on highway safety, and to cooperate with the State highway departments and other agencies in this program to advance the cause of safety on the highways. Not to exceed $150,000 out of the administrative funds made available in accordance with paragraph (a) of section 102 may be expended annually for the purposes of this section.

SEC. 311. RELIEF OF EMPLOYEES IN HAZARDOUS WORK.—The Secretary is authorized in an emergency to use appropriations for carrying out the provisions of this Act for medical supplies, services, and other assistance necessary for the immediate relief of employees of the Bureau of Public Roads engaged in hazardous work.

SEC. 312. DETAIL OF EMPLOYEES AS STUDENTS.—During any fiscal year the Secretary is hereby authorized in his discretion to detail not to exceed ten of the regularly employed personnel of the Bureau of Public Roads as students for limited periods at such technical institutions as will enable such personnel to acquire special knowledge which will better fit them for the lines of work to which they are assigned. No expense other than the salaries of such personnel and the cost of tuition and other regular fees required at such institutions shall be incurred by the Secretary under this section.

SEC. 313. RULES, REGULATIONS, AND RECOMMENDATIONS.—Except as provided in sections 204 (d), 205 (a), 206 (b), 207 (b), and 208 (c), the Secretary is authorized to prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this Act. The Secretary may make such recommendations to the Congress and State highway departments as he deems necessary for preserving and protecting the highways and insuring the safety of traffic thereon.

SEC. 314. CONSENT BY UNITED STATES TO CONVEYANCE OF PROPERTY.—For the purposes of this Act the Consent of the United States is given to any railroad or canal company to convey to the State highway department of any State, or its nominee, any part of its right-of-way or other property in that State acquired by grant from the United States.

SEC. 315. APPROPRIATION OF PUBLIC LANDS FOR HIGHWAY PURPOSES.—(a) If the Secretary determines that any part of the public lands or reservations of the United States is reasonably necessary for the right-of-way of any highway, or as a source of materials for the construction or maintenance of any such highway adjacent to such lands or reservations, the Secretary shall file with the Secretary of the Department supervising the administration of such land or reservation a map showing the portion of such lands or reservations which it is desired to appropriate.

(b) If within a period of four months after such filing, the Secretary of such Department shall not have certified to the Secretary that the

proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State highway department, or its nominee, for such purposes and subject to the conditions so specified.

(c) If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary and such lands or materials shall immediately revert to the control of the Secretary of the Department from which they had been appropriated.

(d) The provisions of this section shall apply only to projects constructed on a Federal-aid system or under the provisions of title II.

SEC. 316. HIGHWAY RELOCATION DUE TO AIRPORT.—Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to an airport constructed or extended after December 20, 1944, or for the reconstruction or relocation of any highway which has been or may be closed or the usefulness of which has been or may be impaired by the location or construction of any airport constructed or extended after December 20, 1944, unless, prior to such construction or extension, as the case may be, the State highway department and the Secretary have concurred with the officials in charge of the airport that the location of such airport or extension thereof and the consequent reconstruction or relocation of the highway are in the public interest.

SEC. 317. LANDSCAPING.—The construction of highways by the States with sums apportioned in accordance with section 102 may include such roadside and landscape development, including such sanitary and other facilities as may be deemed reasonably necessary to provide for the suitable accommodation of the public, all within the highway right-of-way and adjacent publicly owned or controlled rest and recreational areas of limited size and with provision for convenient and safe access thereto by pedestrian and vehicular traffic, as may be approved by the Secretary. Such construction likewise may include the purchase of such adjacent strips of land of limited width and primary importance for the preservation of the natural beauty through which highways are constructed, as may be approved by the Secretary. Not to exceed 3 percent of such sums, apportioned to a State in any fiscal year in accordance with section 102, may be used by it for the purchase of such adjacent strips of land without being matched by such State.

SEC. 318. AVAILABILITY OF APPROPRIATIONS.—The appropriations heretofore and hereafter made for the purpose of carrying out the provisions of prior Acts and of this Act shall be available for the purpose of discharging the contractual obligations created under the provisions of this Act, and prior Acts.

SEC. 319. GREAT RIVER ROAD.—To expedite the interstate planning and coordination of a continuous Great River Road and appurtenances thereto traversing the Mississippi Valley from Canada to the Gulf of Mexico in general conformity with the provisions of this Act and with the recommended plan set forth in the joint report submitted to the Congress, November 28, 1951, by the Secretary and

the Secretary of the Interior, pursuant to the Act of August 24, 1949 (Public Law 262, 81st Congress), the Secretary may expend not to exceed $250,000 from administrative funds, made available in accordance with paragraph (a) of section 102.

SEC. 320. BRIDGES ON FEDERAL DAMS.—(a) Each executive department, independent establishment, office, board, bureau, commission, authority, administration, corporation wholly owned or controlled by the United States, or other agency of the Government of the United States, hereinafter collectively and individually referred to as "agency," which on or after July 29, 1946, has jurisdiction over and custody of any dam constructed or to be constructed and owned by or for the United States, is authorized, with any funds available to it, to design and construct any such dam in such manner that it will constitute and serve as a suitable and adequate foundation to support a public highway bridge upon and across such dam, and to design and construct upon the foundation thus provided a public highway bridge upon and across such dam. The highway department of the State in which such dam shall be located, jointly with the Secretary, shall first determine and certify to such agency that such bridge is economically desirable and needed as a link in the State or Federal-aid highway systems, and shall request such agency to design and construct such dam so that it will serve as a suitable and adequate foundation for a public highway bridge and to design and construct such public highway bridge upon and across such dam, and shall agree to reimburse such agency pursuant to paragraph (d) for any additional costs which it may be required to incur because of the design and construction of such dam so that it will serve as a foundation for a public highway bridge and for any expenditures which it may find it necessary to make in designing and constructing such public highway bridge upon and across such dam. In no case shall the design and construction of a bridge upon and across any such dam be undertaken hereunder except by the agency having jurisdiction over and custody of the dam, acting directly or through contractors employed by it, and after such agency shall determine that it will be structurally feasible and will not interfere with the proper functioning and operation of the dam.

(b) Construction of any bridge upon and across any dam pursuant to this section shall not be commenced unless and until the State in which such bridge is to be located, or the appropriate subdivision of such State, shall enter into an agreement with such agency and with the Secretary to construct, or cause to be constructed, with or without the aid of Federal funds, the approach roads necessary to connect such bridge with existing public highways and to maintain, or cause to be maintained, such approach roads from and after their completion. Such agreement may also provide for the design and construction of such bridge upon and across the dam by such agency of the United States and for reimbursing such agency the costs incurred by it in the design and construction of the bridge as provided in paragraph (d) hereof. Any such agency is hereby authorized to convey to the State, or to the appropriate subdivision thereof, without cost, such easements and rights-of-way in its custody or over lands of the United States in its custody and control as may be necessary, convenient, or proper for the location, construction, and maintenance of the approach roads referred to in this section, including such roadside parks or recrea-

tional areas of limited size as may be deemed necessary for the accommodation of the traveling public. Any bridge constructed pursuant to this section upon and across a dam in the custody and jurisdiction of any agency of the United States, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall constitute and remain a part of said dam and be maintained by the agency. Any such agency may enter into any such contracts and agreements with the State or its subdivisions respecting public use of any bridge so located and constructed as may be deemed appropriate, but no such bridge shall be closed to public use by the agency except in cases of emergency or when deemed necessary in the interest of national security.

(c) All costs and expenses incurred and expenditures made by any agency in the exercise of the powers and authority conferred by this section (but not including any costs, expenses, or expenditures which would have been required in any event to satisfy a legal road or bridge relocation obligation or to meet operating or other agency needs) shall be recorded and kept separate and apart from the other costs, expenses, and expenditures of such agency, and no portion thereof shall be charged or allocated to flood control, navigation, irrigation, fertilizer production, the national defense, the development of power, or other program, purpose, or function of such agency.

(d) Not to exceed $10,000,000 of any money heretofore or hereafter appropriated for expenditure in accordance with the provisions of this Act or prior Acts shall be available for expenditure by the Secretary in accordance with the provisions of this section, as an emergency fund, to reimburse any agency for any additional costs or expenditures which it may be required to incur because of the design and construction of any such dam so that it will constitute and serve as a foundation for a public highway bridge upon and across such dam and to reimburse any such agency for any costs, expenses, or expenditures which it may be required to make in designing and constructing any such bridge upon and across a dam in accordance with the provisions of this section, except such costs, expenses, or expenditures as would have been required of such agency in any event to satisfy a legal obligation to relocate a highway or bridge or to meet operating or other agency needs, and there is hereby authorized to be appropriated any sum or sums necessary to reimburse the funds so expended by the Secretary from time to time under the authority of this section. Of each bridge constructed upon and across a dam under the provisions of this section, there may be financed wholly with Federal funds that portion thereof which is located within the physical limits of the masonry structure, or structures, of the dam, and the Secretary shall in his sole discretion determine what additional portion of the bridge, if any, may be so financed, such determination to be final and conclusive. The remainder of the bridge, and any necessary related approach roads, shall be financed by the State or its appropriate subdivision, with or without the aid of Federal funds; but said portion of the bridge so financed by the State or its subdivisions, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall nevertheless be designed and constructed solely by the agency having custody and jurisdiction of the dam as provided in paragraph (a) of this section.

(e) In making, reviewing, or approving the design of any bridge or approach structure to be constructed under this section, the agency shall, in matters relating to roadway design, loadings, clearances and widths, and traffic safeguards, give full consideration to and be guided by the standards and advice of the Secretary.

(f) The authority conferred by this section shall be in addition to and not in limitation of authority conferred upon any agency by any other law, and nothing in this section contained shall affect or be deemed to relate to any bridge, approach structure, or highway constructed or to be constructed by any such agency in furtherance of its lawful purposes and requirements or to satisfy a legal obligation incurred independently of this section.

SEC. 321. REPEAL OF PRIOR ACTS.—Those Acts and portions of Acts cited by reference to the Statutes at Large enumerated in schedule A, which schedule is hereby made a part of this Act, except for the provisions and sections therein excepted, are hereby repealed.

SEC. 322. CONSTRUCTION OF THIS ACT.—(a) If any section, paragraph, or other provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such section, paragraph, or other provision to other persons or circumstances shall not be affected thereby.

(b) Whenever in this Act the singular is used, it shall be deemed also to include the plural if the context so requires.

(c) Whenever in this Act reference is made to an apportionment "in accordance with section 102" it shall be deemed to include unexpended apportionments made under prior Acts.

SEC. 323. SAVINGS CLAUSE.—Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions thereof under section 321.

SEC. 324. DEFINITIONS.—As used in this Act, unless the context requires otherwise—

(a) The term "construction" means the supervising, inspecting, actual building, or rebuilding of a highway, or portion thereof.

(b) The term "cost of construction" means all expenses of, and incidental to, the construction of a highway or portion thereof, including, without limiting the generality of the foregoing, the planning, locating, and designing, the acquisition of rights-of-way, and the elimination of hazards of railway-highway crossings.

(c) The term "county" includes corresponding units of government under any other name in States which do not have county organizations, and likewise in those States in which the county government does not have jurisdiction over highways it may be construed to mean any local government unit vested with jurisdiction over local highways.

(d) The term "forest road" means a highway wholly or partly within or adjacent to and serving the national forests.

(e) The term "forest development roads and trails" means those forest roads or trails of primary importance for the protection, administration, and utilization of the national forests, or where necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent.

(f) The term "forest highway" means a forest road which is of primary importance to the States, counties, or communities within, adjoining, or adjacent to the national forests.

(g) The term "highway" means a public way for purposes of vehicular travel and includes roads, streets, parkways, the entire area within a right-of-way, bridges, railroad grade separations, tunnels, drainage structures, signs, guardrails, footpaths, and protective structures. Without limiting the generality of the foregoing, it includes that portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State highway department, including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel.

(g) (1) The term "Federal-aid highways" means highways located on one of the Federal-aid systems described in section 103.

(h) The term "Indian reservation road" means a highway located within an Indian reservation or to provide access to an Indian reservation or Indian land, and not on a Federal-aid system.

(i) The term "maintenance" means the preservation of the entire highway, including surface, shoulders, road sides, structures, and such uniform traffic control devices as are necessary for its safe and efficient utilization.

(j) The term "park roads and trails" means those highways or trails, including the necessary bridges, located in national parks or monuments, now or hereafter established, or in other areas administered by the National Park Service of the Department of the Interior (excluding parkways authorized by Acts of Congress) and also including approach roads to national parks or monuments authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended.

(k) The term "parkway," as used in title II, means a parkway authorized by an Act of Congress on lands to which title is vested in the United States.

(l) The term "prior acts" means those acts enumerated in schedule A of this Act.

(m) The term "project" means an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed.

(n) The term "project agreement" means the formal instrument to be executed by the State highway department and the Secretary as required by the provisions of paragraph (a) of section 107.

(o) The term "public lands highways" means main highways through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations.

(p) The term "rural areas" means all areas of a State not included in urban areas.

(q) The term "Secretary" means Secretary of Commerce.

(r) The term "State" means any one of the Forty-eight States, the District of Columbia, Hawaii, or Puerto Rico.

(s) The term "State funds" includes for the purposes of this Act funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

(t) The term "State highway department" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

(u) The term "Federal-aid system" means any one of the Federal aid highway systems described in section 103.

(v) The term "Federal-aid primary system" means the Federal-aid highway system described in paragraph (b) of section 103.

(w) The term "Federal-aid secondary system" means the Federal-aid highway system described in paragraph (c) of section 103.

(x) The term "interstate system" means the national system of interstate highways described in paragraph (d) of section 103.

(y) The term "urban area" means an area including and adjacent to a municipality or other urban place having a population of 5,000 or more, as determined by the latest available Federal census, within boundaries to be fixed by a State highway department subject to the approval of the Secretary.

Schedule A of the Proposed Bill

The following acts and portions of acts, except for the provisions and sections hereinafter excepted, are repealed pursuant to section 321:

1. Act of July 11, 1916 (39 Stat., ch. 241, p. 355).
2. Sections 5, 6, 7, 8, and 9 of act of February 28, 1919 (40 Stat., ch. 69, p. 1189, at 1200–1202).
3. Act of November 9, 1921 (42 Stat., ch. 119, p. 212).
4. Section 4 of act of June 19, 1922 (42 Stat., ch. 227, p. 652, at 660–661).
5. Section 1 of act of March 10, 1924 (43 Stat., ch. 46, p. 17).
6. Act of February 12, 1925 (43 Stat., ch. 219, p. 899).
7. Act of June 22, 1926 (44 Stat., ch. 648, p. 760).
8. Act of March 3, 1927 (44 Stat., ch. 370, p. 1398).
9. Act of May 21, 1928 (45 Stat., ch. 660, p. 683).
10. Act of May 26, 1928 (45 Stat., ch. 755, p. 750).
11. Act of April 4, 1930 (46 Stat., ch. 105, p. 141).
12. Act of May 5, 1930 (46 Stat., ch. 226, p. 261).
13. Act of June 24, 1930 (46 Stat., ch. 593, p. 805).
14. Act of February 20, 1931 (46 Stat., ch. 231, p. 1173).
15. Act of February 23, 1931 (46 Stat., ch. 283, p. 1415).
16. Section 304 of act of July 21, 1932 (47 Stat., ch. 520, p. 709 at 722).
17. Paragraph (g) of section 204 of act of June 16, 1933 (48 Stat., ch. 90, p. 195, at 204).
18. Act of June 18, 1934 (48 Stat., ch. 586, p. 993).
19. Act of June 16, 1936 (49 Stat., ch. 582, p. 1519).
20. Act of June 23, 1936 (49 Stat., ch. 730, p. 1891).
21. Act of June 8, 1938 (52 Stat., ch. 328, p. 633), except the following provision: Section 4 thereof.
22. Act of July 19, 1939 (53 Stat., ch. 328, p. 1066).
23. Act of September 5, 1940 (54 Stat., ch. 715, p. 867).
24. Act of November 19, 1941 (55 Stat., ch. 474, p. 765).
25. Act of July 2, 1942 (56 Stat., ch. 474, p. 562).
26. Act of July 13, 1943 (57 Stat., ch. 236, p. 560), except the following provision: paragraph (a) of section 7 thereof.
27. Act of April 4, 1944 (58 Stat., ch. 164, p. 189).
28. Act of December 20, 1944 (58 Stat., ch. 626, p. 838).
29. Act of July 31, 1945 (59 Stat., ch. 333, p. 507).
30. Act of July 29, 1946 (60 Stat., ch. 694, p. 709).
31. Act of June 21, 1947 (61 Stat., ch. 114, p. 136).
32. Act of June 29, 1948 (62 Stat., ch. 732, p. 1105).

33. Act of September 7, 1950 (64 Stat. 785), except the following provision: the first sentence of section 9 to the word "Provided."

34. Act of October 15, 1951 (65 Stat., ch. 501, p. 421), except the following provision: Section 1 thereof.

35. Act of October 16, 1951 (65 Stat., ch. 507, p. 422).

36. Act of June 25, 1952 (66 Stat., ch. 462, p. 158), except the following provisions:

(*a*) the first two paragraphs of section 1;

(*b*) the first sentence of section 2;

(*c*) in section 3 in the first sentence the following words: "For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the sum of $22,500,000 for the fiscal year ending June 30, 1954, and a like sum for the fiscal year ending June 30, 1955; and (2) for forest development roads and trails the sum of $22,500,000 for the fiscal year ending June 30, 1955."

(*d*) in paragraph (a) of section 4 the following words: "For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053) as amended, there is hereby authorized to be appropriated the sum of $10,000,000 for the fiscal year ending June 30, 1955.";

(*e*) in paragraph (b) of section 4 the following words: "For the construction, reconstruction, improvement and maintenance of parkways authorized by Acts of Congress, on lands to which title is vested in the United States, there is hereby authorized to be appropriated the sum of $10,000,000 for the fiscal year ending June 30, 1955.";

(*f*) in paragraph (c) of section 4 the following words: "For the construction, improvement, and maintenance of Indian reservation roads and bridges and roads and bridges to provide access to Indian reservations and Indian lands under the provisions of the Act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of $10,000,000 for the fiscal year ending June 30, 1955.";

(*g*) in the first sentence of section 5 the following words: "Recognizing the mutual benefits that will accrue to the Republic of Nicaragua and to the United States from the completion of the road from San Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, there is hereby authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1954, for the construction of such road, to be available until expended.";

(*h*) the first sentence of section 6;

(*i*) the first sentence of section 7 and the second sentence of section 7 to the word "Provided";

(*j*) in section 8 the following words: "For the purpose of carrying out the provisions of section 10 of the Federal-Aid Highway Act of 1950 (64 Stat. 785) there is hereby authorized

to be appropriated for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations the sum of $2,500,000 for the fiscal year ending June 30, 1955, to remain available until expended."

37. Act of May 6, 1954 (68 Stat., ch. 181, p. 70), except the following provisions:

(*a*) the first two paragraphs of section 1;
(*b*) the first sentence of paragraph (a) of section 2;
(*c*) the first sentence of section 3 to the word "Provided";
(*d*) Section 4 to the word "Provided";
(*e*) Section 5;
(*f*) the first sentence of section 7;
(*h*) Section 8 to the word "Provided";
(*i*) Section 18;
(*j*) Section 22.

PART III

Recommendations

It was intended that this part would contain a number of recommendations for changes in the proposed bill which is set forth in part II. These changes would be substantive in character and some of them may affect other Federal agencies. Inasmuch as some of these items require further consideration, part III of this report will be submitted to the committees as soon as such consideration is completed.

PART IV

PROPOSED BILL

TITLE I—FEDERAL-AID HIGHWAYS

SEC. 101. AUTHORIZATIONS.—The provisions of this Act shall apply to all unappropriated authorizations contained in prior Acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds upon the Federal-aid systems. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and expenditures made pursuant thereto shall be subject to the provisions of this Act.

SEC. 102. APPORTIONMENT.—(a) Whenever an apportionment is made of the sums authorized to be appropriated for expenditure upon the Federal-aid systems, the Secretary shall deduct a sum, in such amount not to exceed 3¾ per centum of all sums so authorized, as the Secretary may deem necessary for administering the provisions of this Act and for carrying on the research authorized by paragraphs (a) and (b) of section 304. In making such determination, the Secretary shall take into account the unexpended balance of any sums deducted for such purposes in prior years. The sum so deducted shall be available for expenditure from the unexpended balance of any appropriation made at any time for expenditure upon the Federal-aid systems, until such sum has been expended.

SOURCES IN PRIOR LAWS

Prior authorization Acts would not be repealed under the proposed bill.

1948 Act, section 6

That so much, not to exceed 3¾ per centum, of all moneys appropriated or authorized to be appropriated for expenditure under the provisions of this Act, as the Federal Works Administrator may deem necessary for administering the provisions of this Act and for carrying on necessary highway research and investigational studies independently or in cooperation with the State highway departments and other research agencies, and for publishing the results thereof, shall be deducted therefrom for such purposes when the apportionment is made and the amount so deducted shall be available until expended from appropriations made under the provisions of this Act:

PROPOSED BILL

(b) On or before the January 1 next preceding the commencement of each fiscal year, the Secretary, after making the deduction authorized by paragraph (a) of this section, shall apportion the remainder of the sums authorized to be appropriated for expenditure upon the Federal-aid systems for that fiscal year, among the several States in the following manner:

(1) For the Federal-aid primary system: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by a certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary. No State shall receive less than one-half of 1 per centum of each year's apportionment.

(2) For the Federal-aid secondary system: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio

SOURCES IN PRIOR LAWS

1936 Act, section 1 (b), first sentence

On or before January 1 of each year, the Secretary of Agriculture shall apportion among the several States, as provided in section 21 of the Federal Highway Act of 1921, the sums authorized for the fiscal year immediately following.

1921 Act, section 21, third paragraph

The Secretary of Agriculture, after making the deduction authorized by this section, shall apportion the remainder of the appropriation made for expenditure under the provision of the act for the fiscal year among the several States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary of Agriculture: *Provided*, That no State shall receive less than one-half of 1 per centum of each year's allotment.

1944 Act, section 4 (b)

One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the

which the rural population of each State bears to the total rural population of all the States as shown by the latest available Federal census; and one-third in the ratio which the mileage of rural delivery and star routes, certified as above provided, in each State bears to the total mileage of rural delivery and star routes in all the States. No State shall receive less than one-half of 1 per centum of each year's apportionment.

(3) For the Federal-aid primary system within urban areas and approved extensions of the Federal-aid secondary system within urban areas: In the ratio which the population in municipalities and other urban places, of 5,000 or more, in each State bears to the total population in municipalities and other urban places of 5,000 or more in all the States, as shown by the latest available Federal census. For the purpose of this subparagraph (3), Connecticut and Vermont towns shall be considered municipalities regardless of their incorporated status.

(4) For the interstate system: One-half in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census, except that no State shall receive less than three-fourths of 1 per centum of the funds so apportioned; and one-half in the manner provided in subparagraph (1) of this paragraph (b).

ratio which the rural population of each State bears to the total rural population of all the States, as shown by the Federal census of 1940; and one-third in the ratio which the mileage of rural delivery and star routes in each State bears to the total mileage of rural delivery and star routes in all the States: *Provided*, That no State shall receive less than one-half of 1 per centum of each year's allotment under subsection (a) and this subsection.

1944 Act, section 4 (c)

in the ratio which the population in municipalities and other urban places, of five thousand or more, in each State bears to the total population in municipalities and other urban places, of five thousand or more, in all the States as shown by the latest available Federal census: *Provided*, That Connecticut and Vermont towns shall be considered municipalities regardless of their incorporated status.

1954 Act, section 2 (a)

one-half in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census: *Provided*, That no State shall receive less than three-fourths of 1 per centum of the money so apportioned; and one-half in the manner now provided by law for apportionment of funds for the Federal-aid primary system:

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(c) Not more than 10 per centum of the amount heretofore or hereafter apportioned in any fiscal year to each State in accordance with subparagraphs (1), (2), or (3) of paragraph (b) of this section may be transferred from the apportionment under one subparagraph to the apportionment under either of the other subparagraphs if such a transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. The total of such transfers shall not increase the original apportionment under any of such subparagraphs by more than 10 per centum. Nothing contained in this paragraph shall alter or impair the authority contained in paragraph (d) of this section.

(d) Any funds which are apportioned under subparagraph (2) of paragraph (b) of this section for the Federal-aid secondary system to a State in which all public roads and highways are under the control and supervision of the State highway department may, if the State highway department and the Secretary jointly agree that such funds

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1954 Act, section 1, fifth through ninth provisos

Provided further, That not more than 10 per centum of the amount apportioned to each State under subparagraphs (a), (b), or (c) of this section may be transferred from the apportionment under one subparagraph to the apportionment under either of the other subparagraphs: *Provided further,* That such transfer is requested by the State highway department and is approved by the Governor of said State and the Secretary of Commerce as being in the public interest: *Provided further,* That the total of such transfers shall not increase the original apportionment under any subparagraph by more than 10 per centum: *Provided further,* That the transfers hereinabove permitted for funds authorized to be appropriated for the fiscal years ending June 30, 1956, and June 30, 1957, shall likewise be permitted on the same basis for funds heretofore or hereafter authorized to be appropriated for any prior or subsequent fiscal year: *And provided further,* That nothing herein contained shall be deemed to alter or impair the authority contained in the last proviso to subparagraph (b) of section 3 of the Federal-Aid Highway Act of 1944.

1944 Act, section 3 (b), last proviso

Provided further, That any of such funds for secondary and feeder roads which are apportioned to a State in which all public roads and highways are under the control and supervision of the State highway department may, if the State highway department and the Commissioner of Public

are not needed for the Federal-aid secondary system, be expended for projects on another Federal-aid system.

(e) On or before the January 1, preceding the commencement of each fiscal year, the Secretary shall certify to each of the State highway departments the sums which he has apportioned hereunder to each State for such fiscal year, and also the sums which he has deducted for administration and research pursuant to paragraph (a) of this section.

Roads jointly agree that such funds are not needed for secondary and feeder roads, be expended for projects in such State on the Federal-aid highway system.

1921 Act, section 22

That within sixty days after the approval of this Act the Secretary of Agriculture shall certify to the Secretary of the Treasury and to each of the State highway departments the sum he has estimated to be deducted for administering the provisions of this Act and the sums which he has apportioned to each State for the fiscal year ending June 30, 1922 and on or before January 20 next preceding the commencement of each succeeding fiscal year, and shall make like certificates for each fiscal year.

Section 102 (a), last sentence, of the proposed bill provides that the sum deducted for administration and research shall be available from the unexpended balance of Federal-aid appropriations, until such sum has been expended. By means of this carryover method, any unexpended amounts of sums deducted from prior apportionments will be taken into consideration in making deductions under future apportionments. Such carryover method is now followed by the Bureau of Public Roads in actual practice. This procedure is more simplified and desirable than the provision in the existing law (par. 2 of sec. 21 of the 1921 Act), providing for reapportionment of that portion of the amounts deducted which would not be needed. Such reapportionment would involve only small amounts and, in effect, would serve of no advantage to the States.

SEC. 103. FEDERAL-AID SYSTEMS.—(a) For the purposes of this Act, the three Federal-aid systems, namely, the primary, secondary and interstate systems, established by prior Acts, are hereby continued pursuant to the provisions of this section.

(b) The Federal-aid primary system shall consist of an adequate system of connected main highways, selected or designated by each State through its State highway department, subject to the approval of the Secretary as

1921 Act, section 6, first and second paragraphs

That in approving projects to receive Federal aid under the provisions of this Act the Secretary of Agriculture shall give preference to such projects as will expedite the

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provided by paragraph (e) of this section. This system shall not exceed 7 per centum of the total highway mileage of such State, exclusive of mileage within national forests, Indian or other Federal reservations and within urban areas, as shown by the records of the State highway department on November 9, 1921. Whenever provision has been made by any State for the complet on and maintenance of 90 per centum of its Federal-aid primary system, as originally designated, said State through its State highway department by and with the approval of the Secretary is authorized to increase the mileage of its Federal-aid primary system by additional mileage equa to not more than 1 per centum of the total mileage of said State as shown by the records on November 9, 1921. Thereafter, it may make like 1 per centum increases in the mileage of its Federal-aid primary system whenever provision has been made for the completion and maintenance of 90 per centum of the entire system, including the additional mileage previously authorized. This system may be located both in rural and urban areas. The mileage limitations in this paragraph shall not apply to the District of Columbia, Hawaii, or Puerto Rico.

Sources in Prior Laws

completion of an adequate and connected system of highways interstate in character.

Before any projects are approved in any State, such State, through its State highway department, shall select or designate a system of highways not to exceed 7 per centum of the total highway mileage of such State as shown by the records of the State highway department at the time of the passage of this Act.

Act of May 21, 1928 (45 Stat. 683), section 3

The system of Federal-aid highways on which Federal funds may be expended in any State may exceed 7 per centum of the total highway mileage of such State by the mileage of roads on said system within national forest, Indian, or other Federal reservations therein.

Act of July 21, 1932 (47 Stat. 709), section 304

Whenever provision has been made by any State for the completion and maintenance of 90 per centum of its system of primary or interstate and secondary or intercounty highways equal to 7 per centum of the total mileage of such State, as required by this Act, said State through its State highway department, by and with the

approval of the Secretary of Agriculture, is hereby authorized to increase the mileage of the primary or interstate and secondary or intercounty systems by additional mileage equal to not more than 1 per centum of said total mileage of such State, and thereafter to make like increases in the mileage of said systems whenever provision has been made for the completion and maintenance of 90 per centum of the mileage of said systems previously authorized in accordance herewith.

Act of February 23, 1931 (46 Stat. 1415)

That the system * * * Territory of Hawaii * * * may be determined * * * without regard to the limitations * * * respecting the selection and designation of such system of roads; and when the system first determined and agreed upon shall have been completed, additions thereto may be made in like manner as funds become available for the construction and maintenance of such additions:

Act of June 23, 1936 (49 Stat. 1891)

That the system * * * Territory of Puerto Rico * * * may be determined * * * without regard to the limitations * * * respecting the selection and designation of such system of roads; and, when the system first determined and agreed upon shall have been completed, additions thereto may be made in like manner as funds become available for the construction and maintenance of such additions.

1938 Act, section 1 (b), proviso

That the system * * * District of Columbia * * * may be determined * * * without regard to the limita-

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(c) The Federal-aid secondary system shall be selected by the State highway departments and the appropriate local road officials in cooperation with each other, subject to approval by the Secretary as provided in paragraph (e) of this section. In making such selections, farm-to-market roads, rural mail routes, public-school bus routes, local rural roads, county roads, township roads, and roads of the county road class may be included, so long as they are not on the Federal-aid primary or interstate system. This system shall be confined to rural areas, except (1) that in any State having a population density of more than two hundred per square mile as shown by the latest available Federal census, the System may include mileage in urban areas as well as rural, and (2) that the system may be extended into urban areas subject to the conditions that any such extension passes through the urban area or connects with another Federal-aid system within the urban area, and that Federal participation in projects on such extensions is limited to urban funds.

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tions * * * respecting the selection and designation of such system of roads; and, when the system first determined and agreed upon shall have been completed, additions thereto may be made in like manner as funds become available for the construction and maintenance of such additions.

1944 Act, section 3 (b), except last proviso

projects on the principal secondary and feeder roads, including farm-to-market roads, rural free delivery mail and public-school bus routes, either outside of municipalities or inside of municipalities of less than five thousand population: *Provided*, That these funds shall be expended on a system of such roads selected by the State highway departments in cooperation with the county supervisors, county commissioners, or other appropriate local road officials and the Commissioner of Public Roads: *Provided further*, That in any State having a population density of more than two hundred per square mile, as shown by the latest available Federal census, the said system may be selected by the State highway department with the approval of the Commissioner of Public Roads without regard to included municipal boundaries.

1948 Act, section 1, second paragraph (part)

* * * in selecting county and township roads on which funds are to be expended, the State highway departments shall cooperate with township trustees and other appropriate local road officials * * *.

(d) The interstate system shall be designated within the continental United States and it shall not exceed forty thousand miles in total extent. It shall be so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of this system shall be selected by joint action of the State highway departments of each State and the adjoining States, subject to approval by the Secretary as provided in paragraph (e) of this section. All highways or routes included in the interstate system as finally approved, if not already coincident with the primary system, shall be added to said system without regard to the mileage limitation set forth in paragraph (b) of this section. This system may be located both in rural and urban areas.

1950 Act, section 1 (b), proviso, part

That such funds shall be expended on the secondary and feeder roads, farm-to-market roads, rural mail routes, public-school bus routes, local rural roads, county roads, township roads, and roads of the county-road class * * *.

1954 Act, section 16

The Secretary of Commerce may approve as a part of the Federal-aid secondary system, extensions through urban areas, connecting points on that system, provided that Federal participation in projects on such extensions shall be limited to urban funds.

1944 Act, section 7

There shall be designated within the continental United States a national system of interstate highways not exceeding forty thousand miles in total extent so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of the national system of interstate highways shall be selected by joint action of the State highway departments of each State and the adjoining States, as provided by the Federal Highway Act of November 9, 1921, for the selection of the Federal-aid system. All highways or routes included in the national system of interstate highways as finally approved, if not already included in the Federal-aid highway system, shall be added to said system without regard to any mileage limitation.

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(e) The Secretary shall have authority to approve in whole or in part the Federal-aid primary system, the Federal-aid secondary system, and the interstate system, as and when such systems or portions thereof are designated, or to require modifications or revisions thereof. No Federal-aid system or portion thereof shall be eligible for projects in which Federal funds participate until approved by the Secretary.	*1921 Act, section 6, fifth paragraph* The Secretary of Agriculture shall have authority to approve in whole or in part the systems as designated or to require modifications or revisions thereof: *Provided,* That the States shall submit to the Secretary of Agriculture for his approval any proposed revisions of the designated systems of highways above provided for.

Section 103 (b) of the proposed bill provides that the Federal-aid primary system may be located in urban as well as rural areas, and that the portion of this system in urban areas is exempted from the 7-percent mileage limitation. These provisions clarify existing law and establish organic authority conforming to actual Bureau practice.

Section 103 (c) of the proposed bill broadens and clarifies section 16 of the 1954 act by providing that any extension of the Federal-aid secondary system in an urban area is required either to pass through the urban area or connect with another Federal-aid system within the urban area. The existing law refers only to connections with the Federal-aid secondary system.

SEC. 104. PROGRAMS.—(a) As soon as practicable after the apportionments for the Federal-aid systems have been made for any fiscal year, the State highway department of any State desiring to avail itself of the benefits of this title shall submit to the Secretary for his approval a program or programs of proposed projects for the utilization of the funds apportioned. The Secretary shall act upon programs submitted to him as soon as practicable after the same have been submitted. The Secretary may approve a program in whole or in part, but he shall not approve any project in a proposed program which is not located upon an approved Federal-aid system.	*1936 Act, section 1 (b), second sentence* When said apportionment has been made for any fiscal year, the State highway departments may submit projects to the Secretary of Agriculture for his approval. *1921 Act, section 11, first sentence* That any State having complied with the provisions of this act, and desiring to avail itself of the benefits thereof, shall by its State highway department submit to the Secretary of Agriculture project statements setting forth proposed construction or reconstruction of any primary or interstate, or secondary or intercounty highway therein.

(b) In approving programs for projects on the Federal-aid secondary system, the Secretary shall require, except in States where all public roads and highways are under the control and supervision of the State highway department, that such projects be selected by the State highway department and the appropriate local officials in cooperation with each other.

1950 Act, section 1 (b)

* * * on the Federal-aid secondary highway system * * * the projects for construction shall be selected * * * by the State highway department and the appropriate local officials in cooperation with each other.

(c) In approving programs for projects on the Federal-aid primary system, the Secretary shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

1921 Act, section 6, first paragraph

That in approving projects to receive Federal aid under the provisions of this act the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

(d) In approving programs for projects under this title, the Secretary may give priority of approval to, and expedite the construction of projects that are recommended as important to the national defense by the Secretary of Defense, or other agency authorized by the President to make such recommendation.

1940 Act, section 19

In approving Federal-aid highway projects to be carried out with any unobligated funds apportioned to any State, the Commissioner of Public Roads may give priority of approval to, and expedite the construction of, projects that are recommended by the appropriate Federal defense agency as important to the national defense.

(e) In approving programs in Hawaii, the Secretary shall give preference to such projects as will expedite the completion of highways for the national defense or which will connect seaports with units of the national parks.

Act of March 10, 1924 (43 Stat. 17), proviso

Provided, That in approving road projects in such Territory to receive Federal aid, the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate system of highways for the national defense or which will connect seaports with units of the national parks.

Section 104 (a) of the proposed bill refers to a "program" of proposed projects instead of a "project statement" as contained in existing law. This minor change conforms to the procedure and regulations of the Bureau of Public Roads which have been in effect for many years.

PROPOSED BILL	SOURCES IN PRIOR LAWS
SEC. 105. PLANS, SPECIFICATIONS, AND ESTIMATES.—(a) Except as provided in section 111, the State highway department shall submit to the Secretary for his approval, as soon as practicable after program approval, such surveys, plans, specifications, and estimates for each proposed project included in an approved program as the Secretary may require. The Secretary shall act upon such surveys, plans, specifications, and estimates as soon as practicable after the same have been submitted, and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto. In taking such action, the Secretary shall be guided by the provisions of section 106.	*1921 Act, section 11, first and second paragraphs (part)* If the Secretary of Agriculture approve the project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require. * * * *1936 Act, section 1(b), part* The Secretary of Agriculture shall act upon projects submitted to him under any such apportionment and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto. * * *
(b) In addition to the approval required under paragraph (a) of this section, proposed specifications for projects for construction on the Federal-aid secondary system, except in States where all public roads and highways are under the control and supervision of the State highway department, shall be determined by the State highway department and the appropriate local officials in cooperation with each other.	*1950 Act, section 1 (b), proviso (part)* * * * Secondary * * * roads * * * projects for construction * * * specifications with respect thereto shall be determined by the State highway department and the appropriate local officials in cooperation with each other.
(c) Items included in any such estimate for engineering, except preliminary engineering, and inspection costs shall not exceed 10 per centum of the total estimated cost of the project, after excluding from such total estimated cost, the estimated costs of rights-of-way, preliminary engineering, supervising and inspecting.	*1921 Act, section 11, first paragraph (part)* * * * items included for engineering, inspection, and unforeseen contingencies shall not exceed 10 per centum of the total estimated costs of its construction.

Section 105 (a) of the proposed bill provides that approval by the Secretary of any project (plans, specifications, and estimates) shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution relating thereto. This language conforms to the established Bureau procedure based upon section 1 (b) of the 1936 act. The second proviso in section 2 of the 1944 act refers to the approval of the project agreement as constituting the contractual obligation of the Federal Government. The proposed bill by omitting this latter provision eliminates the possible conflict between the 1936 and 1944 acts.

Section 105 (c) of the proposed bill eliminates "unforeseen contingencies" as one of the items that would be included in the 10-percent limitation for construction engineering. The proposed language eliminates the estimated costs of rights-of-way, preliminary engineering, supervising, and inspecting, from the total estimated cost of the project upon which the 10-percent limitation is based. Such elimination conforms to Bureau practice. The 10-percent limitation was enacted in the 1921 act, at which time construction costs eligible for Federal participation did not include costs of rights-of-way.

SEC. 106. STANDARDS.—(a) The Secretary shall not approve plans and specifications for proposed projects on any Federal-aid system if they fail to provide for a facility (1) that will adequately meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance; and (2) that will be designed and constructed in accordance with standards best suited to accomplish the foregoing objectives and to conform to the particular needs of each locality.

1921 Act, section 8

That only such durable types of surface and kinds of materials shall be adopted for the construction and reconstruction of any highway which is a part of the primary or interstate and secondary or intercounty systems as will adequately meet the existing and probable future traffic needs and conditions thereon. The Secretary of Agriculture shall approve the types and width of construction and reconstruction and the character of improvement, repair, and maintenance in each case, consideration being given to the type and character which shall be best suited for each locality and to the probable character and extent of the future traffic.

1921 Act, section 9, second paragraph

That all highways in the primary or interstate system constructed after the passage of this Act shall have a right of way of ample width and a wearing surface of an adequate width which shall not be less than 18 feet, unless,

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(b) Projects on the Federal-aid secondary system in which Federal funds participate shall be constructed according to specifications that will provide all-weather service and permit maintenance at a reasonable cost.

(c) On any highway project in which Federal funds hereafter participate, or on any such project constructed since December 20, 1944, the location, form and character of informational, regulatory, and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority or other agency, shall be subject to the approval of the State highway department with the concurrence of the Secretary, who is hereby directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

(d) No funds shall be approved for expenditure on any Federal-aid highway, or highway affected under title II, unless proper safety protective devices complying with

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in the opinion of the Secretary of Agriculture, it is rendered impracticable by physical conditions, excessive costs, probable traffic requirements, or legal obstacles.

1938 Act, section 12 (part)

Hereafter the Secretary of Agriculture shall approve only * * * such plans and specifications of highway construction for the type or types proposed * * * conducive to safety, durability, and economy of maintenance.

1950 Act, section 1 (b), proviso (part)

That such funds shall be expended on the secondary and feeder roads * * * with types of construction that can be maintained at reasonable cost to provide all-weather service. * * *

1944 Act, section 12

On any highway or street hereafter constructed with Federal aid in any State, the location, form, and character of informational, regulatory, and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority, or other agency, shall be subject to the approval of the State highway department with the concurrence of the Public Roads Administration; and the Commissioner of Public Roads is hereby directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

1936 Act, section 8, proviso

Provided, That no part of the appropriations hereafter made for the purpose of carrying out the provisions of the

safety standards determined by the Secretary at that time as being adequate shall be installed or be in operation at any highway or railroad grade crossing on that portion of the highway with respect to which such expenditures are to be made.

(e) No funds shall be approved for expenditure on any Federal-aid highway, or highway affected by title II, unless proper safety protective devices complying with safety standards determined by the Secretary at that time as being adequate shall be installed or be in operation at any drawbridge on that portion of the highway with respect to which such expenditures are to be made.

(f) The Secretary shall not, as a condition precedent to his approval under section 105, require any State to acquire title to, or control of, any marginal land along the proposed highway in addition to that reasonably necessary for road surfaces, median strips, gutters, ditches, and side slopes, and of sufficient width to provide service roads for adjacent property to permit safe access at controlled locations in order to expedite traffic, promote safety, and minimize roadside parking.

Federal Highway Act, or any Acts amendatory thereof or supplementary thereto, shall be approved for expenditure on any highway unless proper safety protective devices shall be installed or be in operation at any highway and railroad grade crossing * * * on that portion of the highway with respect to which such expenditures are to be made and said devices shall comply with the safety standards determined by the United States Bureau of Public Roads at that time as being adequate.

1936 Act, section 8, proviso

Provided, That no part of the appropriations hereafter made for the purpose of carrying out the provisions of the Federal Highway Act, or any Acts amendatory thereof or supplementary thereto, shall be approved for expenditure on any highway unless proper safety protective devices shall be installed or be in operation at any * * * drawbridge on that portion of the highway with respect to which such expenditures are to be made and said devices shall comply with the safety standards determined by the United States Bureau of Public Roads at that time as being adequate.

1944 Act, section 2, last proviso

Provided, however, That the Commissioner of Public Roads shall not, as a condition of approval of any project for Federal aid hereunder, require any State to acquire title to, or control of, any marginal land along the proposed highway in addition to that reasonably necessary for road surfaces, median strips, gutters, ditches, and side slopes and sufficient width to provide service roads for adjacent property to permit safe access at controlled locations in order to expedite traffic, promote safety, and minimize roadside parking;

Section 106 (a) of the proposed bill modernizes the language in existing law to conform to present-day conditions. For example, it eliminates reference to the obsolete minimum width requirement of 18 feet since present-day needs often require a wider minimum.

PROPOSED BILL	SOURCES IN PRIOR LAWS
SEC. 107. PROJECT AGREEMENTS.—(a) As soon as practicable after the plans, specifications, and estimates for a specific project have been approved, the Secretary shall enter into a formal project agreement with the State highway department concerning the construction and maintenance of such project. Such project agreement shall make provision for State funds required for the State's pro rata share of the cost of construction of such project and for the maintenance thereof after completion of construction.	*1944 Act, section 2, part* As soon as the funds for each of the postwar fiscal years have been apportioned, the Commissioner of Public Roads is authorized to enter into agreements with the State highway departments for the making of surveys and plans, the acquisition of rights-of-way, and the postwar construction of projects.
(b) The Secretary may rely upon any representations made by the State highway department with respect to any arrangements or agreements made by the State highway department and appropriate local officials where a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.	

Section 107 (a) of the proposed bill is descriptive of procedures followed by the Bureau of Public Roads.

Section 107 (b) is intended merely as an additional safeguard since local subdivisions of a State at times participate in Federal-aid work. This language will result in no change in operating procedures.

SEC. 108. LETTING OF CONTRACTS.—(a) The provisions of this section shall not be applicable to contracts for projects on the Federal-aid secondary system in those States where the Secretary has discharged his responsibility pursuant to section 111.	
(b) A request for the submission of bids for the construction of each project on a Federal-aid system, a defense	*1938 Act, section 12* Hereafter the Secretary of Agriculture shall approve

access road or a public lands highway, unless some other method is permitted under the provisions of paragrah (c) of this section, shall be made by advertisement in all cases where the construction is to be performed by the State highway department or under its supervision. The Secretary shall require such plans and specifications and such methods of bidding as shall be effective in securing competition.

(c) Construction of each project, subject to the provisions of paragraph (b) of this section, shall be performed by contract awarded by competitive bidding, unless the Secretary shall affirmatively find that, under the circumstances relating to such project, some other method is in the public interest. All such findings shall be reported promptly in writing to the Committees on Public Works of the Senate and the House of Representatives.

(d) The Secretary shall require as a condition precedent to his approval of each contract awarded by competitive bidding pursuant to paragraph (c), and subject to the provisions of this section, a sworn statement, executed by, or on behalf of, the person, firm, association or corporation to whom such contract is to be awarded, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, only such methods of bidding and such plans and specifications of highway construction for the type or types proposed as will be effective in securing competition and conducive to safety, durability, and economy of maintenance.

1954 Act, section 17 (a)

Highway construction work performed in pursuance of agreements between the Secretary of Commerce and any State highway department which requires approval by the Secretary of Commerce and which is financed in whole or in part by funds authorized under this or succeeding Acts, shall be performed by contract awarded by competitive bidding under such procedures as may by regulations be prescribed by the Secretary of Commerce, unless the Secretary of Commerce shall affirmatively find that, under the circumstances relating to a given project, some other method is in the public interest. All such findings shall be reported promptly in writing to the Committees on Public Works of the Senate and the House of Representatives.

1954 Act, section 17 (b)

In any case in which approval by the Secretary of Commerce of any contract for such highway construction work is required, the Secretary shall require as a condition precedent to such approval a sworn statement executed by, or on behalf of, the person, firm, association, or corporation to whom such contract is to be awarded, certifying that such person, firm, association, or corpora-

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participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract.	tion has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract.
(e) No contract awarded by competitive bidding pursuant to paragraph (c), and subject to the provisions of this section, shall be entered into by any State highway department or local subdivision of the State without compliance with the provisions of this section, and without the prior concurrence by the Secretary in the award thereof.	*1921 Act, section 12, first sentence (part)* * * * all contracts, plans, specifications, and estimates relating thereto, shall be undertaken by the State highway departments subject to the approval of the Secretary of Agriculture.

The language in section 108 (a) is interpretive of existing law and is for purposes of clarification only. It states that the provisions of section 108 relating to the letting of contracts are not applicable to secondary projects, for which the Secretary has discharged his responsibility pursuant to section 111. Said latter section is based upon the second, third, and fourth provisos in section 1 of the 1954 act and the second proviso therein expressly includes "contract awards" as part of the Secretary's responsibility that may be so discharged.

SEC. 109. CONSTRUCTION.—(a) The construction of any highways or portions of highways located on a Federal-aid system shall be undertaken by the respective State highway departments or under their direct supervision. Such construction in each State shall be carried out in accordance with its laws, except to the extent that such laws may be in conflict with the laws of the United States or the regulations made under this Act. Except as provided in section 111, such construction shall be subject to the inspection and approval of the Secretary. Construction may be begun as soon as sums are available for expenditure pursuant to paragraph (a) of section 112.	*1921 Act, section 12* That the construction and reconstruction of the highways or parts of highways under the provisions of this Act * * * shall be undertaken by the State highway departments subject to the approval of the Secretary of Agriculture. The construction and reconstruction work and labor in each State shall be done in accordance with its laws and under the direct supervision of the State highway department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations pursuant to this Act.

1936 Act, section 1 (b), proviso (part)

That projects approved under any apportionment before the beginning of the fiscal year for which such apportionment has been made may be contracted for by the States and construction thereon may be begun * * *.

(b) Convict labor shall not be used in such construction unless it is labor performed by convicts who are on parole or probation.

Act approved July 2, 1954 (68 Stat. 428)

None of the money appropriated for the work of the Bureau of Public Roads during the current fiscal year shall be paid to any State on account of any project on which convict labor shall be employed, but this provision shall not apply to labor performed by convicts on parole or probation.

The second sentence of section 109 (a) of the proposed bill includes a statement that State laws shall apply except to the extent that such laws may be in conflict with Federal laws or regulations. Such statement is desirable but does not appear in existing law.

SEC. 110. MAINTENANCE.—(a) It shall be the duty of the State highway department to maintain, or cause to be maintained, any project constructed under the provisions of this title or constructed under the provisions of prior acts. The duty to maintain any such project shall cease when it no longer constitutes a part of a Federal-aid system.

(b) In any State wherein the State highway department is without legal authority to maintain a project constructed on the Federal-aid secondary system, or within a municipality, such highway department shall enter into a formal agreement for its maintenance with the appropriate officials of the county or municipality in which such project is located.

1950 Act, section 6

It shall be the duty of the State to maintain any highway within its boundaries after construction under the provisions of this Act. If at any time the Commissioner of the Bureau of Public Roads shall find that any such highway in any State is not being properly maintained he shall call such fact to the attention of the highway department of such State and if within ninety days after receipt of such notice said highway has not been put in a proper condition of maintenance, then the Commissioner of Public Roads shall withhold approval of further projects in such State until such highway has been restored to a proper condition of maintenance: *Provided*, That in any State wherein the highway department is without legal authority

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(c) If at any time the Secretary shall find that any project constructed under the provisions of this title, or constructed under the provisions of prior acts, is not being properly maintained, he shall call such fact to the attention of the State highway department. If, within ninety days after receipt of such notice, such project has not been put in proper condition of maintenance, the Secretary shall withhold approval of further projects of all types in the entire State until such project shall have been put in proper condition of maintenance, unless such project is subject to an agreement pursuant to paragraph (b) of this section, in which case approval shall be withheld only for secondary or urban projects in the county or municipality where such project is located.	to maintain a highway so constructed as a secondary or an urban road project the highway department of such State shall enter into a formal agreement with the appropriate officials of the county or city in which such highway is located for its maintenance, and if at any time the Commissioner of Public Roads shall find that such highway is not being properly maintained he shall call such fact to the attention of the highway department of such State and if within ninety days after receipt of such notice said highway has not been put in proper condition of maintenance then the Commissioner of Public Roads shall withhold approval of further secondary or urban road projects in such county or city until said highway shall have been placed in a proper condition of maintenance.

Section 110 (a) of the proposed bill provides that the duty of maintenance on the part of the States with respect to a Federal-aid project shall cease when such project has been removed from a Federal-aid system. Upon such removal, Federal interest in the project ceases, and therefore the State's obligation to the United States to maintain should also terminate. This is particularly true in the case of relocation of existing roads.

SEC. 111. SECONDARY ROAD RESPONSIBILITY.—(a) The Secretary may, upon the request of any State highway department, discharge his responsibility relative to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of all projects on the Federal-aid secondary system by his receiving and approving a certified statement by the State highway department setting forth that the plans, design, and construction for each such project are in accord with those standards and procedures which (1) were adopted by such	*1954 Act, section 1, second, third, and fourth provisos* *Provided further*, That in the case of those sums heretofore, herein, or hereafter apportioned to any State for projects on the Federal-aid secondary highway system, the Secretary of Commerce may, upon the request of any State, discharge his responsibility relative to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of such secondary road projects by his receiving and approving a certified statement by the State highway department setting forth that the plans,

State highway department, (2) were applicable to projects in this category, and (3) were approved by him.

(b) The Secretary shall not approve such standards and procedures unless they are in accordance with the provisions of paragraph (b) of section 104, paragraph (b) of section 105, and paragraph (b) of section 106.

(c) The foregoing provisions of this section shall not be construed to relieve the Secretary of his obligation to make a final inspection of each project after construction and to require an adequate showing of the estimated cost of construction and the actual cost of construction.

SEC. 112. AVAILABILITY OF SUMS APPORTIONED.—(a) On and after the date that the Secretary has certified to each State highway department the sums apportioned to each Federal-aid system or part thereof pursuant to an authorization under this Act, or under prior Acts, such sums shall be available for expenditure under the provisions of this Act.

(b) Such sums shall continue available for expenditure in that State for the appropriate Federal-aid system or part thereof for a period of two years after the close of the fiscal year for which such sums are authorized and design, and construction for such projects are in accord with the standards procedures of such State applicable to projects in this category approved by him: *Provided further*, That such approval shall not be given unless such standards and procedures are in accordance with the objectives set forth in section 1 (b) of the Federal-Aid Highway Act of 1950: *Provided further*, That nothing contained in the foregoing provisos shall be construed to relieve any State of its obligation now provided by law relative to maintenance, nor to relieve the Secretary of Commerce of his obligation with respect to the selection of the secondary system or the location of projects thereon, to make a final inspection after construction of each project, and to require an adequate showing of the estimated and actual cost of construction of each project:

1936 Act, section 1 (b), part

When said apportionment has been made for any fiscal year, the State highway departments may submit projects to the Secretary of Agriculture for his approval.

1944 Act, section 2, part

As soon as the funds for each of the postwar fiscal years have been apportioned, the Commissioner of Public Roads is authorized to enter into agreements with the State highway departments for the making of surveys and plans, the acquisition of rights-of-way, and the postwar construction of projects.

1954 Act, section 1, fourth paragraph, part, including first proviso

Any sums apportioned to any State under the provision of this section shall be available for expenditure in that

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any amounts so apportioned remaining unexpended at the end of such period shall lapse, subject to the conditions that sums for any fiscal year shall be deemed to be expended if a sum equal to the total of the sums apportioned to the State for such fiscal year and previous fiscal years is covered by formal project agreements providing for the expenditure of funds authorized by each Act which contains provisions authorizing the appropriation of funds for Federal-aid highways. Any Federal-aid highway funds released by the payment of the final voucher or by the modification of the formal project agreement shall be credited to the same class of funds, primary, secondary, urban, or interstate, previously apportioned to the State and be immediately available for expenditure.	State for two years after the close of the fiscal year for which such sums are authorized, and any amounts so apportioned remaining unexpended at the end of such period shall lapse: *Provided,* That such funds for any fiscal year shall be deemed to have been expended if a sum equal to the total of the sums apportioned to the State for such fiscal year is covered by formal agreements with the Secretary of Commerce for the improvement of specific projects as provided by this Act. *1954 Act, section 2 (b) (c)* Any sums apportioned to any State under the provisions of this section shall be available for expenditure in that State for two years after the close of fiscal year for which such sums are authorized: *Provided,* That such funds shall be deemed to be expended upon execution of formal agreements with the Secretary of Commerce for the improvement of specific projects under this section. Any amount apportioned to the States under the provisions of this section unexpended at the end of the period during which it is available for expenditure under the terms of subsection (b) of this section shall lapse.
(c) The total payments to any State shall not at any time during a current fiscal year exceed the total of all apportionments to such State in accordance with section 102 for such fiscal year and all preceding fiscal years.	*1936 Act, section 1 (b), proviso, part* * * * but the total reimbursements to any State or Territory before the beginning of such fiscal year shall not exceed the total of all previous apportionments to such State or Territory.

Section 112 (b), second sentence, of the proposed bill which provides for the crediting and further availability of any excess Federal-aid funds released from a project is new language. It gives legislative sanction to an established accounting practice of the Bureau of Public Roads which makes it possible for the States to derive the full benefit of the apportioned funds.

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SEC. 113. FEDERAL SHARE PAYABLE.—(a) Subject to the provisions of paragraph (c) of this section, the Federal share payable on account of any project, financed with primary, secondary, or urban funds, on the Federal-aid primary system and the Federal-aid secondary system shall not exceed 50 per centum of the cost of construction, except that in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area.

(b) Subject to the provisions of paragraph (c) of this section, the Federal share payable on account of any project, financed with interstate funds on the interstate system shall not exceed 60 per centum of the cost of con-

1944 Act, section 5 (a), to second proviso

The Federal share payable on account of any project provided for by the funds made available under the foregoing provisions of this Act shall not exceed 50 per centum of the construction cost thereof other than costs of rights-of-way, and as to costs of rights-of-way shall not exceed one-third of such costs: *Provided*, That in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein the Federal share shall be increased in each of the 3 postwar years by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area.

1950 Act, section 7

That subsection (a) of section 5 of the Federal-Aid Highway Act of 1944, approved December 20, 1944 (58 Stat. 838), is hereby amended by increasing the Federal share payable on account of the costs of rights-of-way from "one-third" to not to exceed "one-half" of such costs.

1954 Act, section 2 (a), last proviso

That the Federal share payable on account of any project on the national system of interstate highways provided for by funds made available under the provisions

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struction, except that in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area.	of this section shall be increased to 60 per centum of the total cost thereof, plus a percentage of the remaining 40 per centum of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area.
(c) The Federal share payable on account of any project for the elimination of hazards of railway-highway crossings, as more fully described and subject to the conditions and limitations set forth in section 121, may amount to 100 per centum of the cost of construction of such projects, except that not more than 50 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from sums apportioned in accordance with section 102. Not more than 10 per centum of all the sums apportioned for all the Federal-aid systems for any fiscal year in accordance with section 102 shall be used under this paragraph or under section 121.	*1944 Act, section 5 (a), second proviso* That the entire construction cost of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from Federal funds, except that not more than 50 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from Federal funds.
(d) The Secretary may rely on a certificate from the Secretary of the Department of the Interior certifying as to the area of the lands referred to in paragraphs (a) and (b) of this section. The Secretary of the Interior is hereby	*1944 Act, section 5 (a), last proviso* *Provided further*, That not more than 10 per centum of the sums apportioned to any State under the terms of this Act for each of such postwar fiscal years shall be used for such railway-highway projects, to be expended in accordance with the Federal Highway Act, as amended and supplemented, and the provisions of this section.

authorized and directed to make such a certificate as of June 30 of each year.

(e) The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 117 shall not exceed 50 per centum of the cost thereof.

1952 Act, section 7, last proviso

And provided further, That the Federal share payable on account of any repair or reconstruction project provided for by funds made available under this section shall not exceed 50 per centum of the cost thereof.

1921 Act, section 6, third paragraph

Upon this system all Federal-aid apportionments shall be expended.

(f) The Secretary is authorized to cooperate with the State highway departments and with the Department of the Interior in the construction of Federal-aid highways within Indian reservations, nontaxable Indian lands, and national parks and monuments under the jurisdiction of the Department of the Interior and to pay the amount assumed therefor from the funds apportioned in accordance with section 102 to the State wherein the reservations and national parks and monuments are located.

1950 Act, section 8

Section 3 (a) of the Federal Highway Act of November 9, 1921, as amended by the Act of February 20, 1931 (46 Stat. 1173), is hereby amended to read as follows:

"SEC. 3 (a). That the Secretary of Commerce is authorized to cooperate with the State highway departments and with the Department of the Interior in the construction of public highways within Indian reservations and national parks and monuments under the jurisdiction of the Department of the Interior, and to pay the amount assumed therefor from the funds allotted or apportioned under this Act to the State wherein the reservations and national parks and monuments are located."

Section 113 (b) of the proposed bill makes the Federal participating ratio of 60 percent applicable to any project financed with interstate funds, regardless of the fiscal year for which such funds are authorized. While the interstate funds authorized by the 1952 act are eligible for only 50 percent Federal participation, the amount of such authorization was relatively small and it is expected that such authorization will have been about expended prior to the time the proposed bill would be enacted; hence section 113 (b) will have little, if any, practical effect over existing law.

The certificate required from the Department of the Interior under the new language of section 113 (d) is in keeping with established practice.

Section 113 (f) of the proposed bill changes the words "public highways" in the existing law to "Federal-aid highways." The words "nontaxable Indian lands" are added. Such words appear in other provisions of the existing law relating to public lands.

Proposed Bill	Sources in Prior Laws
Sec. 114. Payment to States for Construction.—(a) The Secretary may, in his discretion, from time to time as the work progresses, make payments to a State for costs of construction incurred by it on a project. These payments shall at no time exceed the Federal share of the costs of construction incurred to the date of the voucher covering such payment.	*1921 Act, section 13, second paragraph* That the Secretary of Agriculture may, in his discretion, from time to time, make payments on such construction or reconstruction as the work progresses, but these payments, including previous payments, if any, shall not be more than the United States pro rata part of the value of the labor and materials which have been actually put into such construction or reconstruction in conformity to said plans and specifications. The Secretary of Agriculture and the State highway department of each State may jointly determine at what time and in what amounts payments as work progresses shall be made under this Act.
(b) After completion of a project in accordance with the plans and specifications, and approval of the final voucher by the Secretary, a State shall be entitled to payment out of the appropriate sums apportioned to it of the unpaid balance of the Federal share payable on account of such project.	*1921 Act, section 13, first paragraph* That when the Secretary of Agriculture shall find that any project approved by him has been constructed or reconstructed in compliance with said plans and specifications, he shall cause to be paid to the proper authorities of said State the amount set aside for said project.
(c) No payment shall be made under this title, except for a project located on a Federal-aid system and covered by a project agreement. No final payment shall be made to a State for its costs of construction of a project until the completion of the construction has been approved by the Secretary following inspections pursuant to section 109 (a).	*1921 Act, section 6, third paragraph* Upon this system all Federal-aid apportionments shall be expended. *1916 Act, section 6, first paragraph, last sentence* No payment of any money apportioned under this Act shall be made on any project until such statement of the

(d) In making payments pursuant to this section, the Secretary shall be bound by the limitations with respect to the permissible amounts of such payments contained in sections 113 and 121. Payments for engineering except preliminary engineering, and inspection costs on any one project shall not exceed the Federal share of 10 per centum of the cost of construction of such project after excluding from the cost of construction the costs of rights-of-way, preliminary engineering, supervising and inspecting.

(e) Such payments shall be made to such official or officials or depository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State.

project, and the plans, specifications, and estimates therefor, shall have been submitted to and approved by the Secretary of Agriculture.

1921 Act, section 11, first paragraph, part

* * * items included for engineering, inspection, and unforeseen contingencies shall not exceed 10 per centum of the total estimated costs of its construction.

1921 Act, section 13, last paragraph

Such payments shall be made by the Secretary of the Treasury, on warrants drawn by the Secretary of Agriculture, to such official or officials or depository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State.

Section 114 (d), last sentence, is new language and has been included for the reasons indicated by the comments with respect to section 105 (c).

SEC. 115. PAYMENT TO STATES FOR BOND RETIREMENT.—Any State that shall use the proceeds of bonds issued by the State, county, city, or other political subdivision of the State for the construction of one or more projects on the Federal-aid primary or interstate system may claim payment of any portion of the sums apportioned to it for expenditure on such system to aid in the retirement of the principal of such bonds at their maturi-

1950 Act, section 5

Any State, county, city, or other political subdivision that shall issue bonds and use the proceeds of such bonds for the construction of toll-free facilities in order to accelerate the improvement of the national system of interstate highways, the Federal-aid primary highway system or the Federal-aid highway system in urban areas, may apply any portion of the funds herein, or here-

PROPOSED BILL	SOURCES IN PRIOR LAWS
ties, to the extent that the proceeds of such bonds have been actually expended in the construction of one or more of such projects. Such claim for payment may be made only when all of the provisions of this Act have been complied with to the same extent and with the same effect as though payment were to be made to the State under section 114, instead of this section 115, and the Federal share payable shall not exceed the pro rata basis of payment authorized in section 113. This section shall not be construed as a commitment or obligation on the part of the United States to provide funds for the payment of the principal of any such bonds.	after, authorized for expenditure on said systems of highways and apportioned to such State under the provisions of section 1 to aid in retirement of annual maturities of the principal indebtedness of such bonds to the extent that the proceeds of such bonds are actually expended in the construction of said systems of highways: *Provided*, That payment of Federal funds on the principal indebtedness of such bonds shall be made only on account of any such facility that is constructed in accordance with plans and specifications approved in advance of construction by the Commissioner of Public Roads: *Provided further*, That payment of Federal funds pursuant to this section shall not exceed the pro rata basis authorized by section 1: *And provided further*, That payments to any State pursuant to this section shall be made exclusively from apportionments to such State from funds authorized by the Congress to be apportioned for expenditure on said systems of highways and this section shall not be construed as a commitment or obligation on the part of the United States to provide such funds.
SEC. 116. ADVANCES TO STATES.—If the Secretary shall determine that it is necessary for the expeditious completion of projects on any of the Federal-aid systems, he may advance to any State out of any existing appropriations the Federal share of the cost of construction thereof to enable the State highway department to make prompt payments for the construction as it progresses. The sums so advanced shall be deposited in a special revolving trust fund, by the State official authorized under the laws of the	*1944 Act, section 6* If the Commissioner of Public Roads shall determine that it is necessary for the expeditious completion of projects undertaken pursuant to this Act, he may advance to any State from funds heretofore or hereafter made available the Federal share of the cost thereof to enable the State highway department to make prompt payments for work as it progresses: *Provided*, That such State, after June 30, 1945, does not divert to other than highway uses

State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for construction which has been actually performed and approved by the Secretary pursuant to this title. Upon determination by the Secretary that any part of the funds advanced to any State under the provisions of this section are no longer required, the amount of the advance, which is determined to be in excess of current requirements of the State, shall be repaid upon his demand, and such repayments shall be returned to the credit of the appropriation from which the funds were advanced. Any sums advanced and not repaid on demand shall be deducted from sums due the State for the Federal pro rata share of the cost of work done on Federal-aid projects.

road user revenues in violation of section 12 of the Highway Act of June 18, 1934. The funds so advanced shall be deposited in a special trust account by the State treasurer, or other State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for work actually performed in accordance with plans, specifications, and estimates approved by the Public Roads Administration under the provisions of this Act. Any unexpended balances of funds so advanced shall be returned to the credit of the appropriation from which the funds have been advanced: *Provided*, That any advance made to any State under the provisions of this section and not repaid shall be deducted from any apportionment allocated to such State under the provisions of this Act for the year next succeeding the year in which such advance is made, and no agreement made in accordance with the provisions of section 2 of this Act shall be valid for any pro rata share of the cost of construction in excess of such apportionment less such advance.

Section 116 of the proposed bill is a slight modification over the existing law for the purpose of having it conform to current accounting practices. The proposed provision provides that advances made to any State shall be deposited in a special revolving trust fund, and contains adequate safeguards with respect to repayments to insure that they shall be made upon demand when the advances are determined by the Secretary to be no longer required. The existing law is considered inadequate in such respects. The proposed provision eliminates the present penalty contained in section 6 of the 1944 act. This penalty makes States which are guilty of diversion ineligible to receive advances. There are administrative difficulties involved in enforcing this penalty, and it is of questionable value.

SEC. 117. EMERGENCY RELIEF.—An emergency fund is authorized for expenditure by the Secretary in accordance with the provisions of this section. The Secretary

1952 Act, section 7

There is hereby authorized an emergency fund in the amount of $10,000,000 for expenditure by the Commis-

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may expend funds therefrom, after receipt of an application therefor from a State highway department, for the repair or reconstruction of highways on any of the Federal-aid systems in accordance with the provisions of this title when he shall find such highways have suffered serious damage as the result of disaster over a wide area, such as by floods, hurricanes, tidal waves, earthquakes, severe storms, landslides, or other catastrophes in any part of the United States. The appropriation of such moneys, not to exceed $10,000,000, as may be necessary for the initial establishment of this fund and for its replenishment on an annual basis is hereby authorized. Pending such appropriation or replenishment, the Secretary may expend from existing appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, such existing appropriations to be reimbursed from the appropriation hereinabove authorized when made. No funds shall be expended under the provisions of this section with respect to any such catastrophe in any State unless an emergency has been declared by the Governor of such State and concurred in by the Secretary.

SEC. 118. DIVERSION.—(a) Since it is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, maintenance, administration, or operation of highways, an apportionment for any fiscal year of the entire sums authorized to be apportioned for that year shall not

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sioner of Public Roads, in accordance with the provisions of the Federal-Aid Highway Act, as amended and supplemented, after receipt of an application therefor from the highway department of any State, in the repair or reconstruction of highways and bridges on the Federal-aid highway systems, which he shall find have suffered serious damage as the result of disaster over a wide area, such as by floods, hurricanes, tidal waves, earthquakes, severe storms, landslides, or other catastrophes in any part of the United States. The appropriation of such moneys as may be necessary for the initial establishment of this fund and for its replenishment on an annual basis is hereby authorized: *Provided*, That, pending the appropriation of said sum, or its replenishment, the Commissioner of Public Roads may expend, from existing Federal-aid highway appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, such appropriations to be reimbursed from the appropriation herein authorized when made: *Provided further*, That no expenditures shall be made hereunder with respect to any such catastrophe in any State unless an emergency has been declared by the Governor of such State and concurred in by the Secretary of Commerce.

1934 Act, section 12, to proviso

Since it is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways, after June 30, 1935, Federal aid for highway construction shall be extended only to those States that

be made to a State that uses during the last preceding annual period for which figures are available for the construction, improvement, maintenance, or operation of highways and administrative expenses in connection therewith, including payments of principal and interest on bonds issued for highway purposes, a sum, less than the sum that would have been derived from its State motor-vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators of all kinds, if its laws in effect on June 18, 1934, were still in effect. Where actual figures are not available estimates on such reasonable basis as may be approved by the Secretary may be used by him for the purposes of this section.

(b) In no case shall the provisions of this section operate to deprive any State of more than one-third of the entire apportionment authorized under this title to which that State would be entitled in any fiscal year. The amount of any reduction in a State's apportionment shall lapse.

use at least the amounts now provided by law for such purposes in each State from State motor-vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators of all kinds for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes, under such regulations as the Secretary of Agriculture shall promulgate from time to time.

1934 Act, section 12, proviso

That in no case shall the provisions of this section operate to deprive any State of more than one-third of the amount to which that State would be entitled under any apportionment hereafter made, for the fiscal year for which the apportionment is made.

1940 Act, section 16

Any sums heretofore or hereafter withheld from the Federal-aid road funds apportioned to any State as a penalty for diversion of road-user taxes under the provisions of section 12 of the Act approved June 18, 1934 (48 St t. 995), shall be reapportioned in the same manner as any other unexpended balance at the end of the period during which it otherwise would be available for expenditure, in accordance with the provisions of section 21 of the Federal Highway Act (42 Stat. 217).

Section 118 of the proposed bill retains the substance of the provisions of existing law relating to diversion, but with certain modifications designed to overcome certain existing ambiguities and to place the provisions on a more realistic and workable basis. The proposed bill makes the following changes:

The word "operation" is added for broadening purposes in order that costs relating to operation of highways may be included among those for which credit may be given. The words "during the last preceding annual period for which figures are available" are added to make the time period more definitive. The existing law is vague in this respect. The proposed language omits the reference in the existing law with respect to the pledging of highway user revenues in connection with bonds issued for highway purposes. Such omission will make it possible for a State to receive credit for payments made on bonds used for highway purposes even though highway user revenues are not pledged. If bonds are used for highway purposes, it is believed that a State should receive credit regardless of whether highway user revenues are pledged. The last sentence in section 118 (a) is new language designed to make possible the use of estimated figures where actual figures are not available from a State. The last sentence in section 118 (b), providing that the amount of any reduction in a State's apportionment shall lapse, is a change over the existing law which provides for a reapportionment of such amount. This new provision is in conformity with other lapsing provisions in the existing law.

Proposed Bill	Sources in Prior Laws
Sec. 119. Bypass Hearings.—Any State highway department which submits plans for a Federal-aid highway project involving the bypassing of any city or town shall certify to the Secretary that it has had public hearings and considered the economic effects of such a location.	*1950 Act, section 13* Any State highway department which submits plans for a Federal-aid highway project involving the bypassing of any city or town shall certify to the Commissioner of Public Roads that it has had public hearings and considered the economic effects of such a location.
Sec. 120. Certain Toll Bridges and Tunnels.—Notwithstanding the provisions of section 301, the Secretary may permit Federal participation, on the same basis and in the same manner as in the construction of free highways under this title, in the construction of any toll bridge, toll tunnel, or approach thereto, upon compliance with the conditions contained in this section. Such bridge, tunnel, or approach thereto, must be publicly owned and	*Act of March 3, 1927 (44 Stat. 1398)* That notwithstanding any provision of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, or of the Federal Highway Act, the Secretary of Agriculture may extend, on the same basis and in the same manner as in the construction of any free bridge, Federal aid under such Acts,

operated. Federal funds may participate in the approaches to a toll bridge or toll tunnel whether such bridge or tunnel is to be or has been constructed, or acquired, by the State or other public authority. The State highway department or departments must be a party or parties to an agreement with the Secretary whereby it or they undertake performance of the following obligations:

(1) All tolls received from the operation of the bridge or tunnel, less the actual cost of such operation and maintenance, shall be applied to the repayment to the State or other public authority of all of the costs of construction of such bridge or tunnel, except that part which was contributed by the United States;

(2) No tolls shall be charged for the use of such bridge or tunnel after the State or other public authority shall have been so repaid; and

(3) After the date of final repayment, the bridge or tunnel shall be maintained and operated as a free bridge or free tunnel.

in the construction of any toll bridge and approaches thereto, by any State or States, or political subdivision or subdivisions thereof, upon the condition that such bridge is owned and operated by such State or States, or political subdivision or subdivisions thereof, and that all tolls received from the operation thereof, less the actual cost of operation and maintenance, are applied to the repayment to the State or States, or political subdivision or subdivisions thereof, of its or their part of the cost of construction of such bridge, and upon the further condition that when the amount contributed by such State or States, or political subdivision or subdivisions thereof, in the construction of such bridge shall have been repaid from the tolls, the collection of tolls for the use of such bridge shall thereafter cease, and the same shall be maintained and operated as a free bridge.

Act of June 16, 1933, section 204 (g) (48 Stat. 200)

Hereafter in the administration of the Federal Highway Act, and Acts amendatory thereof or supplementary thereto, the first paragraph of section 9 of said Act shall not apply to publicly owned toll bridges or approaches thereto, operated by the highway department of any State, subject, however, to the condition that all tolls received from the operation of any such bridge, less the actual cost of operation and maintenance, shall be applied to the repayment of the cost of its construction or acquisition, and when the cost of its construction or acquisition shall have been repaid in full, such bridge thereafter shall be maintained and operated as a free bridge.

Section 120 of the proposed bill is a consolidation of the provisions of the act of March 3, 1927 (44 Stat. 1398), and section 204 (g) of the National Recovery Act (48 Stat. 200), with certain modifications as follows: The words "toll tunnel" have been added since tunnels are included in the definition of the term "highway" as contained in section 324 (g) of the proposed bill. The last sentence of the first paragraph in section 120 is new language which is in line with established Bureau procedure.

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Sec. 121. Railway-Highway Crossings.—(a) Except as provided in paragraphs (c) of section 113 and (b) of this section, the entire cost of construction of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from sums apportioned in accordance with section 102. In any case when the elimination of the hazards of a railway-highway crossing can be effected by the relocation of a portion of a railway at a cost estimated by the Secretary to be less than the cost of such elimination by one of the methods mentioned in the first sentence of this section, then the entire cost of such relocation project, except as provided in paragraph (c) of section 113 and (b) of this section, may be paid from sums apportioned in accordance with section 102.

(b) The Secretary may classify the various types of projects involved in the elimination of hazards of railway-highway crossings, and may set for each such classification a percentage of the costs of construction which shall be deemed to represent the net benefit to the railroad for the purpose of determining the railroad's share of the cost of construction. The percentage so determined shall in no

Sources in Prior Laws

1944 Act, section 5 (a), second proviso

Provided further, That the entire construction cost of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from Federal funds, except that not more than 50 per centum of the right-of-way and property damage costs, paid from public funds, on any such project, may be paid from Federal funds.

1944 Act, section 5 (b), part

Any railway involved in any project for the elimination of hazards of railway-highway crossings paid for in whole or in part from funds made available under this Act, shall be liable to the United States for a sum bearing the same ratio to the net benefit received by such railway from such project that the Federal funds expended on such

case exceed 10 per centum. The Secretary shall determine the appropriate classification of each project.

(c) Any railroad involved in a project for the elimination of hazards of railway-highway crossings paid for in whole or in part from sums made available for expenditure under this Act, or prior Acts, shall be liable to the United States for the net benefit to the railroad determined under the classification of such project made pursuant to paragraph (b). Such liability to the United States may be discharged by direct payment to the State highway department of the State in which the project is located, in which case such payment shall be credited to the cost of the project. Such payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of such project. If any such railroad fails to discharge such liability within a six-month period after completion of the project it shall be liable to the United States for its share of the cost, and the Secretary shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this paragraph. The Attorney General is authorized to bring such proceedings on behalf of the United States in the appropriate project bear to the total cost of such project. For the purposes of this subsection, the net benefit received by a railway from any such project shall be deemed to be the amount by which the reasonable value of the total benefits received by it from such project exceeds the amount paid by it (including the reasonable value of any property rights contributed by it) toward the cost of such project; and in no case shall the total benefits to any railway or railways be deemed to have a reasonable value in excess of 10 per centum of the cost of any such project.

1944 Act, section 5 (b), part

The liability of any railroad to the United States with respect to any such project may be discharged by paying to the United States, within six months after the completion of such project, such amount as the Commissioner of Public Roads determines to be the amount of such liability. Any such determination of the Commissioner shall be made on the basis of recommendations made to him by the State highway department and on the basis of such other information and investigation, if any, as the Commissioner deems necessary or proper. If any such railway has failed so to discharge its liability to the United States with respect to any project within six months after the completion thereof, the Commissioner of Public Roads shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered

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district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railroad is liable for in the premises. Any amounts recovered by the United States under this paragraph shall be credited to miscellaneous receipts.	and adjudged by the court that such railway is liable for the premises. Any amounts paid to or recovered by the United States under this subsection shall be covered into the Treasury as miscellaneous receipts.

This section contains a number of changes from the present law in order to bring it more in line with current procedures. The last sentence of 121 (a) is new and has been inserted for the purpose of permitting Federal funds to participate under paragraph (a) in railway relocations where such relocations may be carried out more economically than could the elimination of the hazard by some other method. Paragraph (b) gives legislative sanction to present Bureau procedures, which are believed to be a practical method of administration. Under these procedures, the various types of projects for the elimination of railway-highway crossings are classified and the percentage of net benefit to the railroad is determined by the class into which the project falls. Section 121 (c) contains a new provision which permits a discharge of the railroad's liability by direct payment to the State highway department. In general, the changes are proposed for the purpose of conforming to procedures which have been followed for many years.

TITLE II—OTHER HIGHWAYS AFFECTED BY THIS ACT

SEC. 201. AUTHORIZATIONS.—The provisions of this Act shall apply to all unappropriated authorizations contained in prior acts, and also to all unexpended appropriations heretofore made, providing for the expenditure of Federal funds on the following classes of highways: forest highways; forest development roads and trails; park roads and trails; parkways; Indian reservation roads; public lands roads; and defense access roads. All such authorizations and appropriations shall continue in full force and effect, but hereafter obligations entered into and

Prior authorization acts would not be repealed under the proposed bill.

expenditures made pursuant thereto shall be subject to the provisions of this Act.

SEC. 202. APPORTIONMENT.—(a) On or before the January 1 next preceding the commencement of each fiscal year, the Secretary shall apportion the sums authorized for expenditure for such fiscal year for forest highways in the several States and Alaska, according to the area and value of the land owned by the United States within the national forests therein, which the Secretary of Agriculture is directed to determine and certify to the Secretary from such information, sources, and departments as the Secretary of Agriculture may deem most accurate.

(b) On or before the January 1 next preceding the commencement of each fiscal year, the Secretary of Agriculture shall apportion all sums authorized to be appropriated for forest development roads and trails among the several States and Alaska, according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber, or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

(c) The Secretary shall expend all sums appropriated for expenditure for public lands highways among those States having more than 5 per centum of their area in unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, on the basis of need in such States, respectively, as determined by the

1950 Act, section 3, first proviso

* * * appropriation * * * shall be apportioned by the Secretary of Commerce for expenditure in the several States, Alaska, and Puerto Rico, according to the area and value of the land owned by the Government within the national forests therein which the Secretary of Agriculture is hereby directed to determine and certify to him from such information, sources, and departments as the Secretary of Agriculture may deem most accurate, and hereafter, on or before January 1, next preceding the commencement of each succeeding fiscal year, the Secretary of Commerce shall make like apportionment of the appropriation authorized for such fiscal year.

1921 Act, section 23 (a), first paragraph, part

* * * shall be apportioned among the several States, Alaska, and Porto Rico by the Secretary of Agriculture, according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber, or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

Act of June 24, 1930 (46 Stat. 805), part

* * * main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations. Such sums as the Congress may hereafter authorize to be appropriated under the provisions of this section shall

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Secretary upon application of the State highway departments of the respective States. Preference shall be given to those projects which are located on a Federal-aid system.

SEC. 203. AVAILABILITY OF FUNDS.—(a) Any sums authorized for the fiscal years ending June 30, 1955, June 30, 1956, and June 30, 1957, for forest highways, forest development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands highways shall be immediately available for contract. Any sums remaining unexpended for a period of two years after the close of the fiscal year for which authorized shall lapse. The Secretary of the Department charged with the administration of such sums is hereby

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be apportioned among those States having more than 5 per centum of their area in the lands hereinbefore described * * * *Provided*, That in the allocation of any such funds authorized to be appropriated under this section or any subsequent act preference shall be given to those projects which are located on the Federal-aid highway system as the same are now or may hereafter be designated.

1950 Act, section 10, part

* * * main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations * * * *Provided*, That such funds shall be available for expenditure in the lands hereinbefore described on the basis of need in such States, respectively, as determined by the Commissioner of Public Roads upon application of the highway departments of the respective States and without regard to any law for the apportionment of such funds among said States.

1954 Act, section 6

Any funds authorized for the fiscal year ending June 30, 1955, or herein authorized for forest highways, forest development roads and trails, park roads and trails, parkways, Indian roads, and public lands highways shall be immediately available for contract: *Provided*, That any amount remaining unexpended two years after the close of the fiscal year for which authorized shall lapse. The Secretary of the Department charged with the administration of such funds is hereby granted authority to incur

granted authority to incur obligations, approve projects, and enter into contracts under such authorizations and his action in doing so shall be deemed a contractual obligation of the United States for the payment of the cost thereof and such sums shall be deemed to have been expended when so obligated, except that with respect to forest highways, such sums shall be deemed to have been expended if a sum equal to the total of the sums apportioned for the State for such fiscal year and previous fiscal years shall have been so obligated, and any of such sums released by payment of final vouchers or modification of project agreements shall be credited to the sums previously apportioned for the State for forest highways and be immediately available for expenditure.

(b) Appropriations made pursuant to any authorizations heretofore or hereafter enacted for forest highways shall be considered available to the Secretary for the purpose of discharging any obligations created for forest highway projects in any State or in Alaska.

(c) The total expenditures on account of any State or Alaska shall at no time exceed the total of its authorized apportionments.

obligations, approve projects, and enter into contracts under such authorizations and his action in doing so shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof and such funds shall be deemed to have been expended when so obligated.

1950 Act, section 3, third and fourth provisos

Provided further, That the appropriations made pursuant to authorizations heretofore, herein, and hereafter enacted for forest highways shall be considered available to the Commissioner of Public Roads for the purpose of discharging the obligations created hereunder in any State or Territory: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment.

A clause has been added at the end of section 203 (a) similar to the final sentence of 112 (b) to provide that if sums obligated for forest highways are released by virtue of a reduction in the actual cost of the highway involved, such sums shall be available for forest highways in the particular State for which the sums were apportioned.

SEC. 204. FOREST HIGHWAYS.—(a) The Secretary shall expend the sums apportioned in accordance with paragraph (a) of section 202 for the costs of construction and maintenance of forest highways, and in connection therewith may

1921 Act, section 23 (a), second paragraph, part

* * * such appropriations shall be expended by the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of forest roads * * *

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enter into construction contracts and such other contracts with a State, Alaska, or civil subdivision thereof as he deems advisable.	*1921 Act, section 23 (c)* The Secretary of Agriculture may enter into contracts with any Territory, State, or civil subdivision thereof for the construction, reconstruction, or maintenance of any forest road or trail or part thereof.
(b) Cooperation of States, counties, or other local subdivisions, may be accepted but shall not be required by the Secretary.	*1921 Act, section 23 (b)* Cooperation of Territories, States, and civil subdivisions thereof may be accepted but shall not be required by the Secretary of Agriculture.
(c) Construction estimated to cost $5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than $5,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary on his own account. For such purpose, the Secretary may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries, and other expenses for help employed in connection with such work.	*1921 Act, section 23 (d)* Construction work on forest roads or trails estimated to cost $5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than $5,000 per mile, or if, after proper advertising, no acceptable bid is received, or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account; and for such purpose the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work. The appropriation made in this section or that may hereafter be made for expenditure under the provision of this section may be expended for the purpose herein authorized and for the payment of wages, salaries, and other expenses for the help employed in connection with such work.

(d) All appropriations for forest highways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of Agriculture.

1950 Act, section 3, last proviso

And provided further, That appropriations for forest highways shall be administered in conformity with regulations jointly approved by the Secretary of Commerce and Secretary of Agriculture.

(e) The Secretary shall transfer to the Secretary of Agriculture from appropriations for forest highway such amounts as may be needed to cover necessary administrative expenses of the Forest Service in connection with the forest highway program. Appropriations made pursuant to any authorizations for forest highways shall be considered available for expenditure by the Secretary for necessary administrative and engineering expenses in connection therewith.

1948 Act, section 3 (a), last proviso

Provided further, That the Commissioner of Public Roads shall transfer to the Chief of the Forest Service from appropriations for forest highways such amounts as may be needed to cover necessary administrative expenses of the Forest Service in connection with the forest-highway program.

A sentence is added to paragraph (e) to indicate that appropriations for forest highways are available for administrative and engineering expenses.

SEC. 205. FOREST DEVELOPMENT ROADS AND TRAILS.—(a) The Secretary of Agriculture shall expend the sums apportioned pursuant to paragraph (b) of section 202 for the costs of construction and maintenance of forest development roads and trails, and adjacent vehicular parking areas, and in connection therewith may enter into construction contracts and such other contracts with a State, Alaska, or civil subdivision thereof, and issue such regulations, as he deems advisable.

1921 Act, section 23 (a), part

* * * appropriation * * * that may hereafter be made for expenditures under the provisions of this section shall be expended under the direct supervision of the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of roads and trails * * *.

1921 Act, section 23 (c)

The Secretary of Agriculture may enter into contracts with any Territory, State, or civil subdivision thereof for the construction, reconstruction, or maintenance of any forest road or trail or part thereof.

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(b) Cooperation of States, counties, or other local subdivisions, may be accepted but shall not be required by the Secretary of Agriculture.

(c) Construction estimated to cost $10,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than $10,000 per mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account. For such purpose, the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work, and may pay wages, salaries, and other expenses for help employed in connection with such work.

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1954 Act, section 3, second proviso

Provided further, That hereafter funds available for forest development roads and trails shall also be available for vehicular parking areas.

1921 Act, section 23 (b)

Cooperation of Territories, States, and civil subdivisions thereof may be accepted but shall not be required by the Secretary of Agriculture.

1921 Act, section 23 (d)

Construction work on forest roads or trails estimated to cost $5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract.

If such estimated cost is less than $5,000 per mile, or if, after proper advertising, no acceptable bid is received, or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account; and for such purpose the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work.

The appropriation made in this section or that may hereafter be made for expenditure under the provision of this section may be expended for the purpose herein authorized and for the payment of wages, salaries, and other expenses for help employed in connection with such work.

SEC. 206. PARK ROADS AND TRAILS.—(a) Sums available for park roads and trails shall be used to cover the cost of construction thereof.

(b) Appropriations for the construction, reconstruction, and improvement of park roads shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

SEC. 207. PARKWAYS.—(a) Sums available for parkways shall be used to cover the cost of construction thereof.

(b) Appropriations for the construction of parkways shall be administered in conformity with regulations jointly approved by the Secretary and the Secretary of the Interior.

1948 Act, section 3 (c)

Hereafter, construction work on forest-development roads and trails, pursuant to the provisions of section 23 of the Federal Highway Act of November 9, 1921, as amended and supplemented, estimated to cost $10,000 or more per mile, exclusive of bridges, shall be advertised and let to contract. If such estimated cost is less than $10,000 per mile, or if, after proper advertising, no acceptable bid is received, or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account.

1954 Act, section 4 (a), part

For the construction, reconstruction, and improvement of roads and trails * * * in national parks * * *.

1950 Act, section 4 (a), proviso

Provided, That hereafter appropriations for the construction, reconstruction, and improvement of such park and monument roads shall be administered in conformity with regulations jointly approved by the Secretary of the Interior and the Secretary of Commerce.

1954 Act, section 4 (b), part

For the construction, reconstruction, and improvement of parkways * * *.

1950 Act, section 4 (b), first proviso

Provided, That hereafter appropriations for the construction of parkways shall be administered in conformity with regulations jointly approved by the Secretary of the Intior and the Secretary of Commerce.

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(c) The location of parkways upon public lands, national forests, or other Federal reservations, shall be determined by agreement between the department having jurisdiction over such lands and the National Park Service.	*1936 Act, section 5, proviso* *Provided*, That the location of such parkways upon public lands, national forests, or other Federal reservations shall be determined by agreement between the department having jurisdiction over such lands and the National Park Service.
SEC. 208. INDIAN RESERVATION ROADS.—(a) Sums available for Indian reservation roads shall be used to pay for the cost of construction and maintenance thereof.	*1954 Act, section 4 (c), part* For the construction, improvement, and maintenance of Indian reservation roads * * *
(b) The Secretary shall approve the location, type, and design of all projects for Indian reservation roads before any expenditures are made thereon and all construction thereof shall be under the general supervision of the Secretary.	*1954 Act, section 4 (c), proviso* *Provided*, That the location, type, and design of all roads and bridges constructed shall be approved by the Secretary of Commerce before any expenditures are made thereon, and all such construction shall be under the general supervision of the Secretary of Commerce.
(c) Indian labor may be employed in such construction and maintenance under such rules and regulations as may be prescribed by the Secretary of the Interior.	*Act of May 26, 1928 (45 Stat. 750)* * * * the employment of Indian labor in the survey, improvement, construction, and maintenance of Indian reservation roads not eligible to Government aid under the Federal Highway Act and for which no other appropriation is available, under such rules and regulations as may be prescribed by the Secretary of the Interior.
SEC. 209. PUBLIC LANDS HIGHWAYS.—(a) Sums available for public lands highways shall be paid for the cost of construction and maintenance thereof.	*1954 Act, section 5, part* * * * for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations * * *.

(b) The Secretary is authorized to cooperate with the State highway departments and with the Secretary of the Department having jurisdiction over the particular lands, in the survey, construction, and maintenance of public lands highways.

SEC. 210. DEFENSE ACCESS ROADS.—(a) The Secretary is authorized out of the sums authorized to be appropriated for defense access roads to provide for the construction and maintenance of, and to pay all or any part of the cost of construction of, defense access roads (including bridges, tubes, and tunnels thereon) to military reservations, to defense industries and defense-industry sites, and to the sources of raw materials when such roads are certified to the Secretary as important to the national defense by the Secretary of Defense or such other official as the President may designate, and for replacing existing highways and highway connections that are shut off from general public use by necessary closures or restrictions at military reservations and defense industry sites.

(b) Not exceeding $5,000,000 of any funds appropriated under the Act approved October 16, 1951 (65 Stat. 422), may be used by the Secretary in areas certified to him by the Secretary of Defense as maneuver areas for such con-

Act of June 24, 1930 (46 Stat. 805), part

The Secretary of Agriculture is authorized to cooperate with the State highway departments and with the Department of the Interior, in the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations.

1941 Act, section 6, first two sentences

The Commissioner of Public Roads is authorized to provide for the construction and improvement of access roads (including bridges, tubes, and tunnels thereon) to military and naval reservations, to defense industries and defense-industry sites, and to the sources of raw materials when such roads are certified to the Federal Works Administrator as important to the national defense by the Secretary of War or the Secretary of the Navy, and for replacing existing highways and highway connections that are shut off from general public use by necessary closures or restrictions at military and naval reservations and defense-industry sites. The acquisition of new or additional rights-of-way necessary for such projects may, to the extent determined by the Federal Works Administrator, be included as part of the construction of such projects and Federal funds shall be available to pay the cost of such acquisition.

Act of October 16, 1951 (65 Stat. 422) part

That not exceeding $5,000,000 of any funds appropriated under this authorization may be used by the Secretary of Commerce in areas certified to him by the Secretary of

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struction, maintenance, and repair work as may be necessary to keep the highways therein, which have been or may be used for training of the Armed Forces, in suitable condition for such training purposes and for repairing the damage caused to such highways by the operations of men and equipment in such training.	Defense as maneuver areas, for such reconstruction, maintenance, and repair work as may be necessary to keep the roads therein which have been or may be used for training of the Armed Forces in suitable condition for such training purposes, and for repairing the damage caused to such roads by the operations of men and equipment in such training.
(c) Whenever any project for the construction of a circumferential highway around a city or of a radial intracity route thereto, submitted by any State is certified by the Secretary of Defense, or such other official as the President may designate as being important for civilian or military defense, such project may be constructed out of the sums heretofore or hereafter authorized to be appropriated for defense access roads.	*1952 Act, section 10, first proviso* *Provided,* That whenever any project for the construction or improvement of a circumferential highway around a city or of a radial intracity route thereto submitted by any State, is certified by the Secretary of Defense, or such other official as the President may designate, as being important for civilian or military defense, such project may be constructed under the authorization in this section and in accordance with the conditions contained therein.
(d) The expenditure authorized by this section shall be available without regard to apportionment among the several States.	*1941 Act, section 6, third sentence, part* * * * sum * * * which shall be available, without regard to apportionment among the several States, for paying all or any part of the cost thereof * * *.
(e) If the Secretary shall determine that the State highway department of any State is unable to obtain possession and the right to enter upon and use the required rights-of-way, lands or interest in lands, improved, or unimproved, required for any project authorized by this section with sufficient promptness, the Secretary is authorized to acquire, enter upon, take possession thereof and expend funds for projects thereon, prior to approval of title by the Attor-	*1941 Act, section 14* ACQUISITION OF RIGHTS-OF-WAY.—By agreement with the State highway department of any State, such new or additional rights-of-way, lands or interests in lands in such State as may be required for any project authorized by this Act, may be acquired by such highway department or by any political subdivision of such State, and the Commissioner of Public Roads may advance or reimburse the

ney General, in the name of the United States, such rights-of-way, lands or interest in lands as may be required in such State for such projects by purchase, donation, condemnation or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931, 46 Stat. 1421). The cost incurred by the Secretary in acquiring any such rights-of-way, lands or interest in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition; and shall be payable out of the funds available for paying the cost or the Federal share of the cost of the project for which such rights-of-way, lands or interest in lands are acquired. The Secretary is further authorized and directed by proper deed executed in the name of the United States to convey any lands or interest in lands acquired in any State under the provisions of prior acts or of this section to the State highway department of such State or to such political subdivision thereof as its laws may provide, upon such terms and conditions as may be agreed upon by the Secretary and the State highway department, or political subdivisions to which the conveyance is to be made.

share of the cost of such acquisition payable by the Federal Government: *Provided, however,* That if the Federal Works Administrator shall determine that the highway department of any State is unable to obtain possession and the right to enter upon and use the required rights-of-way, lands or interests in lands, improved or unimproved, with sufficient promptness, the Federal Works Administrator is authorized to acquire, prior to approval of title by the Attorney General, in the name of the United States, such rights-of-way, lands or interests in lands as may be required in such State for such projects, by purchase, donation, condemnation, or otherwise, in accordance with the laws of the United States (including the Act of February 26, 1931, 46 Stat. 1421) and, during the continuance of the emergency declared by the President on May 27, 1941, may enter upon and take possession thereof, and expend public funds for projects thereon, prior to approval of title by the Attorney General (without regard to the provisions of sections 355, 1136, and 3709 of the Revised Statutes, as amended, and without regard to State, municipal, or local laws, ordinances, or regulations). The costs incurred by the Federal Works Administrator in acquiring any such rights-of-way, lands or interests in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition; and shall be payable out of the funds available for paying the cost, or the Federal share of the cost, of the project for which such rights-of-way, lands or interests in lands are acquired. The Federal Works Administrator is further authorized and directed, by proper deed executed in the name of the United States,

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	to convey any lands or interests in lands acquired in any State under the provisions of this section to the highway department of such State, or to such political subdivision thereof as its laws may provide, upon condition that such highway department or political subdivisions will accept the same and will maintain the project constructed thereon.

A minor change in language in the last sentence permits the Secretary to require not only that the State highway department or political subdivision will maintain a project transferred to it but the Secretary can attach other necessary conditions to such transfer; for example, in an appropriate case, that the project be continued as a limited access road. Discretion is given to the Secretary as to the terms and conditions to be agreed upon before such a transfer is made.

SEC. 211. TIMBER ACCESS ROAD HEARINGS.—With respect to any proposed construction of a timber access road, advisory public hearings shall be held at a place convenient or adjacent to the area of construction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction.	*1952 Act, section 10, second proviso* *And be it further provided,* That with respect to any proposed construction or reconstruction of a timber access road under the authority contained in this section, advisory public hearings shall be held at a place convenient or adjacent to the area of construction or reconstruction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction or reconstruction. *1954 Act, section 3, first proviso* *Provided,* That with respect to any proposed construction or reconstruction of a timber access road, advisory public hearings shall be held at a place convenient or adjacent to the area of construction or reconstruction with notice and reasonable opportunity for interested persons to pre-

SEC. 212. INTER-AMERICAN HIGHWAY.—(a) Sums appropriated for the Inter-American Highway shall be used to enable the United States to cooperate with the Governments of the American Republics situated in Central America—that is, with the Governments of the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama—in the survey and construction of the Inter-American Highway within the borders of the aforesaid Republics, respectively. Appropriations made for such purposes shall remain available until expended. Not to exceed one-third of the appropriation authorized for each fiscal year may be expended without requiring the country or countries in which such sums may be expended to match any part thereof, if the Secretary of State shall find that the cost of constructing said highway in such country or countries will be beyond their reasonable capacity to bear. The remainder of such authorized appropriations shall be available for expenditure only when matched to the extent required by this section by the country in which such expenditure may be made. Expenditures from the sums available on a matching basis shall not be made for the survey and construction of any portion of said highway within the borders of any country named herein unless such country shall provide and make available for expenditure in conjunction therewith a sum equal to at least one-third of the expenditures that may be incurred by that Government and the United States on such portion of the highway. All expenditures by the United States under the provisions of this section for material, sent their views as to the practicability and feasibility of such construction or reconstruction.

1950 Act, section 11 (b)

There is hereby authorized to be appropriated, in addition to the sums heretofore authorized, the sum of $4,000,000 for the fiscal year ending June 30, 1951, and a like sum for the fiscal year ending June 30, 1952, to be available until expended, to enable the United States to cooperate with the Governments of the American Republics situated in Central America—that is, with the Governments of the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama—in the survey and construction of the Inter-American Highway within the borders of the aforesaid Republics, respectively. Not to exceed $2,000,000 of the appropriation hereinabove authorized for each fiscal year may be expended without requiring the country or countries in which such sums may be expended to match any part thereof, if the Secretary of State shall find that the cost of constructing said highway in such country or countries will be beyond their reasonable capacity to bear. The remainder of such authorized appropriations shall be available for expenditure only when matched to the extent required by this Act by the country in which such expenditure may be made. Expenditures from the sums available on a matching basis shall not be made for the survey and construction of any portion of said highway within the borders of any country named herein unless such country shall provide and make available for expenditure in conjunction therewith a sum equal to at least one-third of the expenditures that may be incurred by that Government and the United States on such

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equipment, and supplies shall, whenever practicable, be made for products of the United States or of the country in which such survey or construction work is being carried on. Construction work to be performed under contract shall be advertised for a reasonable period by the Minister of Public Works, or other similar official, of the government concerned in each of the participating countries and contracts shall be awarded pursuant to such advertisements with the approval of the Secretary. No part of the appropriations authorized shall be available for obligation or expenditure for work on said highway in any cooperating country unless the government of said country shall have assented to the provisions of this section; shall have furnished satisfactory assurances that it has an organization adequately qualified to administer the functions required of such country under the provisions hereof; and then only as such country may submit requests, from time to time, for the construction of any portion of the highway to standards adequate to meet present and future traffic needs. No part of said appropriations shall be available for obligation or expenditure in any such country until the government of that country shall have entered into an agreement with the United States which shall provide, in part, that said country—	portion of the highway. All expenditures by the United States under the provisions of this Act for material, equipment, and supplies shall, whenever practicable, be made for products of the United States or of the country in which such survey or construction work is being carried on. Construction work to be performed under contract shall be advertised for a reasonable period by the Minister of Public Works, or other similar official, of the government concerned in each of the participating countries and contracts shall be awarded pursuant to such advertisements with the approval of the Secretary of Commerce of the United States. No part of the appropriations herein authorized shall be available for obligation or expenditure for work on said highway in any cooperating country unless the government of said country shall have assented to the provisions of this Act; shall have furnished satisfactory assurances that it has an organization adequately qualified to administer the functions required of such country under the provisions hereof; and then only as such country may submit requests, from time to time, for the construction of any portion of the highway to standards adequate to meet present and future traffic needs: *Provided*, That no part of said appropriations shall be available for obligation or expenditure in any such country until the government of that country shall have entered into an agreement with the United States which shall provide, in part, that said country—
(1) will provide, without participation of funds authorized, all necessary right-of-way for the construction of said highway, which right-of-way shall	(1) will provide, without participation of funds herein authorized, all necessary right-of-way for the construction of said highway, which right-of-way shall

be of a minimum width where practicable of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged, for use by vehicles or persons of any portion of said highway constructed under the provisions of this section;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said highway by vehicles or persons from the United States that does not apply equally to vehicles or persons of such country;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' lecenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such country and the United States are parties, or of any other treaty or international convention establishing similar reciprocal recognition; and

(5) will provide for the maintenance of said highway after its completion in condition adequately to serve the needs of present and future traffic.

be of a minimum width where practicable of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged, for use by vehicles or persons of any portion of said highway constructed under the provisions of this Act;

(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said highway by vehicles or persons from the United States that does not apply equally to vehicles or persons of such country;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such country and the United States are parties, or of any other treaty or international convention establishing similar reciprocal recognition; and

(5) will provide for the maintenance of said highway after its completion in condition adequately to serve the needs of present and future traffic.

1954 Act, section 7, part

Not to exceed one-third of the appropriation authorized for each fiscal year may be expended without requiring the country or countries in which such sums may be expended to match any part thereof, if the Secretary of State shall find that the cost of constructing said highway in

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(b) The survey and construction work authorized by this section shall be under the administration of the Secretary, who shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the Governments of the American Republics named in paragraph (a) of this section as may be required to carry out the purposes of this section shall be conducted through, or as authorized by, the Department of State.

(c) The provisions of this section shall not create or authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway construction of survey heretofore or hereafter undertaken in any of the countries enumerated in paragraph (a) of this section, other than the expenditures authorized by the provisions of this section.

(d) Appropriations made pursuant to any authorizations heretofore or hereafter enacted for the Inter-American Highway shall be considered available for expenditure by the Secretary for necessary administrative and engineering expenses in connection with the Inter-American Highway program.

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such country or countries will be beyond their reasonable capacity to bear.

Act approved December 26, 1941 (55 Stat. 860), section 2

The survey and construction work authorized by this Act shall be under the administration of the Public Roads Administration, Federal Works Agency, which shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the governments of the American Republics named in section 1 as may be required to carry out the purposes of this Act shall be conducted through, or as authorized by, the Department of State.

Act approved December 26, 1941 (55 Stat. 860), section 3

The provisions of this Act shall not create or authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway construction or survey heretofore or hereafter undertaken in any of the countries enumerated in section 1, other than the expenditures authorized by the provisions of this Act.

Paragraph (d) is added to indicate that appropriations for the Inter-American Highway program are available for administrative and engineering expenses.

SEC. 213. RAMA ROAD.—(a) Recognizing the mutual benefits that will accrue to the Republic of Nicaragua and to the United States from the completion of the road from San Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, the Secretary is authorized out of the sums appropriated for such purposes to provide for the construction of such road. Appropriations made for such purposes shall remain available until expended. No expenditure shall be made hereunder for the construction of said road until a request therefor shall have been received by the Secretary of State from the Government of the Republic of Nicaragua nor until an agreement shall have been entered into by said Republic with the Secretary of State which shall provide, in part, that said Republic—

(1) will provide, without participation of funds authorized under this Act, or under prior Acts, all necessary right-of-way for the construction of said highway, which right-of-way shall be of a minimum width where practicable of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged for the use of said highway by vehicles or persons;

1952 Act, section 5 (a)

Recognizing the mutual benefits that will accrue to the Republic of Nicaragua and to the United States from the completion of the road from San Benito to Rama in said Republic of Nicaragua, the construction of which road was begun and partially completed pursuant to an agreement between said Republic and the United States, there is hereby authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1953, and a like sum for the fiscal year ending June 30, 1954, for the construction of such road, to be available until expended. No expenditure shall be made hereunder for the construction of said road until a request therefor shall have been received by the Secretary of State from the Government of the Republic of Nicaragua nor until an agreement shall have been entered into by said Republic with the Secretary of State which shall provide, in part, that said Republic—

(1) will provide, without participation of funds herein authorized, all necessary right-of-way for the construction of said highway, which right-of-way shall be of a minimum width where practicable of one hundred meters in rural areas and fifty meters in municipalities and shall forever be held inviolate as a part of the highway for public use;

(2) will not impose any highway toll, or permit any such toll to be charged for the use of said highway by vehicles or persons;

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(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of said road by vehicles or persons from the United States that does not apply equally to vehicles or persons of such Republic;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such Republic and the United States are parties; or any other treaty or international convention establishing similar reciprocal recognition; and

(5) will maintain said road after its completion in proper condition adequately to serve the needs of present and future traffic.

(b) The funds appropriated for such purposes shall be available for expenditure in accordance with the terms of this section for the survey and construction of the said road from San Benito to Rama and for the survey but not for the construction of a road from Rama to El Bluff in the Republic of Nicaragua without being matched by said Republic, and all expenditures made under the provisions of this section for materials, equipment, and supplies,

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(3) will not levy or assess, directly or indirectly' any fee, tax, or other charge for the use of said road by vehicles or persons from the United States that does not apply equally to vehicles or persons of such Republic;

(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with the provisions of the Convention for the Regulation of Inter-American Automotive Traffic, which was opened for signature at the Pan American Union in Washington on December 15, 1943, and to which such Republic and the United States are parties; or any other treaty or international convention establishing similar reciprocal recognition; and

(5) will maintain said road after its completion in proper condition adequately to serve the needs of present and future traffic.

1952 Act, section 5 (b)

The funds appropriated pursuant to this authorization shall be available for expenditure in accordance with the terms of this Act for the survey and construction of the said road from San Benito to Rama and for the survey but not for the construction of a road from Rama to El Bluff in the Republic of Nicaragua without being matched by said Republic, and all expenditures made under the pro-

shall, whenever practicable, be made for products of the United States or of the Republic of Nicaragua.

(c) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary.

TITLE III—GENERAL PROVISIONS AND DEFINITIONS

SEC. 301. FREEDOM FROM TOLLS.—Except as provided in section 120 with respect to certain toll bridges and toll tunnels, all highways constructed under the provisions of this Act shall be free from tolls of all kinds.

SEC. 302. STATE HIGHWAY DEPARTMENT.—(a) Any State desiring to avail itself of the provisions of this Act shall have a State highway department which shall have adequate powers, and be suitably equipped and organized to discharge to the satisfaction of the Secretary the duties required by this Act. Among other things, the organization shall include a secondary road unit.

visions of this Act for materials, equipment, and supplies shall, whenever practicable, be made for products of the United States or of the Republic of Nicaragua.

1954 Act, section 8, proviso

Provided, That the survey and construction work authorized by the said section 5 shall be under the general supervision of the Secretary of Commerce.

1921 Act, section 9, first paragraph

That all highways constructed or reconstructed under the provisions of this Act shall be free from tolls of all kinds.

1921 Act, section 2, part

The term "State highway department" includes any State department, commission, board, or official having adequate powers and suitably equipped and organized to discharge to the satisfaction of the Secretary of Agriculture the duties herein required.

1950 Act, section 2, to first proviso

Any State desiring to avail itself of the benefits of the funds apportioned for expenditure on the Federal-aid secondary highway system shall establish in its State highway department within six months after the close of the next regular session of its legislature, a secondary road unit and such department shall be suitably organized to discharge to the satisfaction of the Secretary of Commerce, the duties herein required.

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(b) The State highway department may arrange with a county or group of counties for competent highway engineering personnel, suitably organized and equipped to the satisfaction of the State highway department, to supervise construction and maintenance on a county-unit or group-unit basis, for the construction of projects on the Federal-aid secondary system, financed with secondary funds, and for the maintenance thereof.

SEC. 303. BUREAU ORGANIZATION.—(a) The Bureau of Public Roads shall continue within the Department of Commerce as a primary unit administered by the Commissioner of Public Roads. The Secretary shall appoint the Commissioner, and is authorized to delegate to him any authority vested in the Secretary by this Act.

(b) The Secretary is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to be taken from the eligible lists of the Civil Service Commission, to rent buildings outside of the city of Washington, to purchase such supplies, material, equipment, office fixtures and apparatus, to advertise in

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1950 Act, section 2, first proviso

Provided, That any State highway department may arrange with any county or group of counties having competent highway engineering personnel, suitably organized and equipped to the satisfaction of the State highway department, to supervise construction and maintenance on a county-unit or group-unit basis for the construction and maintenance of secondary road projects.

Reorganization Plan No. 1, 1939 (53 Stat. 1426), part

SEC. 301. (a) The Bureau of Public Roads in the Department of Agriculture and its functions and personnel (including the Chief thereof) are transferred from the Department of Agriculture * * *.

SEC. 302. (a) The Bureau of Public Roads and its functions shall be administered as the Public Roads Administration at the head of which shall be the Chief of the Bureau of Public Roads whose title shall be changed to Commissioner of Public Roads.

Hereafter the Commissioner of Public Roads shall be appointed by the Federal Works Administrator.

Reorganization Plan No. 7 of 1949, approved June 20, 1949
Reorganization Plan No. 5 of 1950, approved March 13, 1950

1916 Act, section 9

That out of the appropriations made by or under this Act the Secretary of Agriculture is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to be taken from the eligible lists of the Civil Service Commission, to rent buildings

the city of Washington for work to be performed in areas adjacent thereto, and to incur, and authorize the incurring of, such travel and other expense as he may deem necessary for carrying out the functions under this Act.

(c) The Secretary is authorized to procure temporary services in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U. S. C. 55a) but at rates for individuals not in excess of $100 per diem.

SEC. 304. RESEARCH AND PLANNING.—(a) The Secretary is authorized in his discretion to engage in research on all phases of highway construction, modernization, development, design, maintenance, safety, financing, and traffic conditions, including the effect thereon of State laws, and is authorized to test, develop, or assist in the testing and developing of any material, invention, patented article or process. The Secretary may publish the results of such research. The Secretary may carry out the authority granted hereby either independently or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization or person. The funds required to carry out the provisions of this subsection shall be taken out of the administrative and research funds authorized by section 102. The provisions of section 3709 of the Revised Statutes, as amended (41 U. S. C., sec. 5) shall not be applicable to contracts or agreements made under the authority of this subsection.

outside of the city of Washington, to purchase such supplies, material, equipment, office fixtures, and apparatus, and to incur such travel and other expense as he may deem necessary for carrying out the purposes of this Act.

Appropriation Act, approved July 2, 1954 (68 Stat. 413)

Appropriations to the Bureau of Public Roads may be used * * * for temporary services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates for individuals not in excess of $100 per diem.

1954 Act, section 10 (a)

The Secretary of Commerce is authorized in his discretion to engage in research on all phases of highway construction, reconstruction, modernization, development, design, maintenance, safety, financing, and traffic conditions, including the effect thereon of State laws, and is authorized to test, develop, or assist in the testing and developing of any material, invention, patented article, or process. The Secretary may carry out the authority granted hereby either independently or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization or person. The funds required to carry out the provisions of this subsection shall be taken out of the administrative and research funds authorized by section 21 of the Federal Highway Act (42 Stat. 212), as amended. The provisions of section 3709 of the Revised Statutes (41 U. S. C., sec. 5) shall not be applicable to contracts or agreements made under the authority of this subsection.

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(b) The Secretary shall include in the highway research program herein authorized studies of economic highway geometrics, structures, and desirable weight and size standards for vehicles using the public highways and of the feasibility of uniformity in State regulations with respect to such standards and he shall report from time to time to the Committees on Public Works of the Senate and of the House of Representatives on the progress and findings with respect to such studies.	*1954 Act, section 10 (b)* The Secretary shall include in the highway research program herein authorized studies of economic highway geometrics, structures, and desirable weight and size standards for vehicles using the public highways and of the feasibility of uniformity in State regulations with respect to such standards, and he shall report from time to time to the Committees on Public Works of the Senate and of the House of Representatives on the progress and findings with respect to such studies.
(c) Not to exceed 1½ per centum of the sums apportioned for any year to any State under section 102 shall be available for expenditure upon request of the State highway department, with the approval of the Secretary, with or without State funds, for engineering and economic surveys and investigations, for the planning of future highway programs and the financing thereof, for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof, and for research necessary in connection with the planning, design, construction, and maintenance of highways and highway systems, and the regulation and taxation of their use.	*1944 Act, section 8* With the approval of the Federal Works Administrator, not to exceed 1½ per centum of the amount apportioned for any year to any State under the Federal Highway Act, as amended and supplemented, except sections 3 and 23 thereof, shall hereafter be used with or without State funds for surveys, plans, engineering, and economic investigations of projects for future construction in such State, on the Federal-aid highway system and extensions thereof within municipalities, on secondary or feeder roads, urban highways or grade-crossing eliminations, and for highway research necessary in connection therewith.

The scope of the provision in section 304 (c) has been broadened over existing law. Advance studies and planning by State highway departments appear desirable. Related questions of financing, regulation, and taxation appear to be an integral part of planning for broad highway programs.

SEC. 305. COOPERATION WITH FEDERAL AND STATE AGENCIES AND FOREIGN COUNTRIES.—(a) The Secretary	*Appropriation Act, approved July 2, 1954 (68 Stat. 413)* * * * authorized engineering or other services in connec-

is authorized to perform by contract or otherwise authorized engineering or other services in connection with the survey, construction, maintenance, or improvement of highways for other Government agencies, cooperating foreign countries, and State cooperating agencies, and reimbursement for such services (which may include depreciation on engineering and roadbuilding equipment used) shall be credited to the appropriation concerned.

(b) Appropriations for the work of the Bureau of Public Roads shall be available for expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment for distribution to projects under the supervision of the Bureau of Public Roads, or for sale or distribution to other Government agencies, cooperating foreign countries and State cooperating agencies, and the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling) may be reimbursed to current applicable appropriations.

SEC. 306. COOPERATION WITH PAN-AMERICAN COUNTRIES.—The President is authorized to utilize the services of the Bureau of Public Roads in fulfilling the obligations of the United States under the Convention on the Pan-American Highway Between the United States and Other American Republics (51 Stat. 152), cooperation with several governments, members of the Pan American Union, in connection with the survey and construction of the Inter-American Highway, and for performing engineering service in pan-American countries for and upon the request of any agency or governmental corporation tion with the survey, construction, and maintenance, or improvement of roads may be performed for other Government agencies, cooperating foreign countries, and State cooperating agencies and reimbursement for such services (which may include depreciation on engineering and roadbuilding equipment used) shall be credited to the appropriation concerned.

Appropriation Act, approved July 2, 1954 (68 Stat. 413)

* * * appropriations for the work of the Bureau of Public Roads shall be available for expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment for distribution to projects under the supervision of the Bureau of Public Roads, or for sale or distribution to other Government activities, cooperating foreign countries, and State cooperating agencies, and the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling) may be reimbursed to current applicable appropriations.

Appropriation Act, approved July 2, 1954 (68 Stat. 413)

Of the total amount available from appropriations of the Bureau of Public Roads for general administrative expenses, pursuant to the provisions of section 21 of the Act of November 9, 1921, as amended (23 U. S. C. 21), $100,000 shall be available for all necessary expenses to enable the President to utilize the services of the Bureau of Public Roads in fulfilling the obligations of the United States under the Convention on the Pan-American Highway Between the United States and Other American Republics (51 Stat. 152), cooperation with several govern-

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of the United States. Not to exceed $100,000 of administrative funds available in accordance with paragraph (a) of section 102 shall be available annually for the purposes of this section.	ments, members of the Pan American Union, in connection with the survey and construction of the Inter-American Highway, and for performing engineering service in pan-American countries for and upon the request of any agency or governmental corporation of the United States.
SEC. 307. DEFENSE.—In order to assure that adequate consideration is given to national- and civil-defense aspects in the planning and construction of highways constructed with the aid of Federal funds, the Secretary is authorized to consult from time to time with the heads of appropriate defense agencies and the Federal Civil Defense Administrator relative to the national- and civil-defense aspects of such highways.	*1954 Act, section 9* In order to assure that adequate consideration is given to civil-defense aspects in the planning and construction of highways constructed or reconstructed with the aid of Federal funds, the Secretary of Commerce is authorized and directed to consult, from time to time, with the Federal Civil Defense Administrator relative to the civil-defense aspects of highways so constructed or reconstructed.

This section has been enlarged to include national as well as civil defense. Consultation with the heads of appropriate defense agencies is provided for in addition to the Federal Civil Defense Administrator. This permanent requirement takes the place of some of the temporary measures enacted shortly prior to World War II.

SEC. 308. HIGHWAY IMPROVEMENTS STRATEGICALLY IMPORTANT TO THE NATIONAL DEFENSE.—Funds made available under paragraph (a) of section 102 may be used to pay the entire engineering costs of the surveys, plans, specifications, estimates, and supervision of construction of projects for such urgent improvements of highways strategically important from the standpoint of the national defense as may be undertaken on the order of the Secretary and as the result of request of the Secretary of Defense or such other official as the president may designate. With the consent of a State, funds made available	*1940 Act, section 18* Funds authorized and made available under section 21 of the Federal Highway Act, as amended, may be used to pay the entire engineering costs of the surveys, plans, specifications, estimates, and supervision of construction of projects for such urgent improvements of highways strategically important from the standpoint of the national defense as may be undertaken on the order of the Federal Works Administrator and as the result of request of the Secretary of War, the Secretary of the Navy, or other authorized national-defense agency.

under paragraph (b) of section 102 may be used to the extent deemed necessary and advisable by the Secretary to carry out the provisions of this section.

SEC. 309. DETAIL OF ARMY AND NAVY OFFICERS.—The Secretary of Defense, upon request of the Secretary, is authorized to make temporary details to the Bureau of Public Roads of officers of the Army and officers of the Navy, without additional compensation, for technical advice and for consultation regarding highway needs for the national defense. Travel and subsistence expenses of officers so detailed shall be paid from appropriations available to the Department of Commerce on the same basis as authorized by law and by regulations of the Department of Defense for officers of the Army and for officers of the Navy.

SEC. 310. HIGHWAY SAFETY CONFERENCE.—The Secretary is authorized and directed to assist in carrying out the action program of the President on highway safety, and to cooperate with the State highway departments and other agencies in this program to advance the cause of safety on the highways. Not to exceed $150,000 out of the administrative funds made available in accordance with paragraph (a) of section 102 may be expended annually for the purposes of this section.

1941 Act, section 17

DETAIL OF ARMY AND NAVY OFFICERS.—The Secretary of War and the Secretary of the Navy, upon request of the Federal Works Administrator, are authorized to make temporary details to the Public Roads Administration of officers of the Army and officers of the Navy, without additional compensation, for technical advice and for consultation regarding highway needs for the national defense: *Provided*, That the travel and subsistence expenses of officers so detailed shall be paid, from appropriations available to the Public Roads Administration, on the same basis as authorized by law and by regulations of the War Department for officers of the Army and by law and by regulations of the Navy Department for officers of the Navy.

1950 Act, section 14, part

The Commissioner of Public Roads is authorized and directed to assist in carrying out the action program of the President's Highway Safety Conference and to cooperate with the State highway departments and other agencies in this program to advance the cause of safety on the streets and highways.

1952 Act, section 9

The Commissioner of Public Roads is authorized and directed to assist in carrying out the action program of the President's Highway Safety Conference and to cooperate with the State highway departments and other agencies

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SEC. 311. RELIEF OF EMPLOYEES IN HAZARDOUS WORK.—The Secretary is authorized in an emergency to use appropriations for carrying out the provisions of this Act for medical supplies, services and other assistance necessary for the immediate relief of employees of the Bureau of Public Roads engaged in hazardous work.

SEC. 312. DETAIL OF EMPLOYEES AS STUDENTS.—During any fiscal year the Secretary is hereby authorized in his discretion to detail not to exceed ten of the regularly employed personnel of the Bureau of Public Roads as students for limited periods at such technical institutions as will enable such personnel to acquire special knowledge which will better fit them for the lines of work to which they are assigned. No expense other than the salaries of such personnel and the cost of tuition and other regular fees required at such institutions shall be incurred by the Secretary under this section.

SEC. 313. RULES, REGULATIONS AND RECOMMENDATIONS.—Except as provided in sections 204 (d), 205 (a), 206 (b), 207 (b), and 208 (c), the Secretary is authorized to prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this Act. The

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in this program to advance the cause of safety on the streets and highways: *Provided*, That not to exceed $150,000 shall be expended annually for the purposes of this section.

Appropriation Act, approved July 2, 1954 (68 Stat. 413)

Appropriations to the Bureau of Public Roads may be used in emergency for medical supplies and services and other assistance necessary for the immediate relief of employees engaged on hazardous work under that Bureau.

1941 Act, section 16

DETAIL OF EMPLOYEES AS STUDENTS.—During any fiscal year the Commissioner of Public Roads is hereby authorized, in his discretion, to detail not to exceed ten of the regularly employed personnel of the Public Roads Administration as students for limited periods at such technical institutions as will enable such personnel to acquire special knowledge which will better fit them for the lines of work to which they are assigned: *Provided*, That no expense other than the salaries of personnel so detailed and the cost of tuition and other regular fees required at such institutions shall be incurred by the United States under this section.

1921 Act, section 18

That the Secretary of Agriculture shall prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this Act, including such recommendations to the Congress and the State highway depart-

Secretary may make such recommendations to the Congress and State highway departments as he deems necessary for preserving and protecting the highways and insuring the safety of traffic thereon.

SEC. 314. CONSENT BY UNITED STATES TO CONVEYANCE OF PROPERTY.—For the purposes of this Act the consent of the United States is given to any railroad or canal company to convey to the State highway department of any State, or its nominee, any part of its right-of-way or other property in that State acquired by grant from the United States.

1921 Act, section 16

That for the purpose of this Act the consent of the United States is hereby given to any railroad or canal company to convey to the highway department of any State any part of its right-of-way or other property in that State acquired by grant from the United States.

The words "or its nominee" are added to existing law after the words "State highway department" so that in those instances where the county or other political subdivision is the proper party to hold title to the right-of-way, such action can be effected.

SEC. 315. APPROPRIATION OF PUBLIC LANDS FOR HIGHWAY PURPOSES.—(a) If the Secretary determines that any part of the public lands or reservations of the United States is reasonably necessary for the right-of-way of any highway, or as a source of materials for the construction or maintenance of any such highway adjacent to such lands or reservations, the Secretary shall file with the Secretary of the Department supervising the administration of such land or reservation a map showing the portion of such lands or reservations which it is desired to appropriate.

1921 Act, section 17, first paragraph

That if the Secretary of Agriculture determines that any part of the public lands or reservations of the United States is reasonably necessary for the right of way of any highway or forest road or as a source of materials for the construction or maintenance of any such highway or forest road adjacent to such lands or reservations, the Secretary of Agriculture shall file with the Secretary of the department supervising the administration of such land or reservation a map showing the portion of such lands or reservations which it is desired to appropriate.

(b) If within a period of four months after such filing, the Secretary of such Department shall not have certified to the Secretary that the proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such land or

1921 Act, section 17, second paragraph

If within a period of four months after such filing the said Secretary shall not have certified to the Secretary of Agriculture that the proposed appropriation of such land or material is contrary to the public interest or inconsistent

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materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State highway department, or its nominee, for such purposes and subject to the conditions so specified.	with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State highway department for such purposes and subject to the conditions so specified.
(c) If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary and such lands or materials shall immediately revert to the control of the Secretary of the Department from which they had been appropriated.	*1921 Act, section 17, third paragraph* If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary of Agriculture, and such lands or materials shall immediately revert to the control of the Secretary of the department from which they had been appropriated.
(d) The provisions of this section shall apply only to projects constructed on a Federal-aid system or under the provisions of title II.	

A minor change in section 315 (b) permits the transfer to a nominee of the State highway department. This is inserted to take care of the situation where a county or other local subdivision rather than the State itself is the proper person to hold title to the right-of-way.

Section 17 of the 1921 Act can be construed to permit the Secretary to acquire a right-of-way and transfer it to a State for a highway even if that highway is not a part of the Federal-aid system. In the administration of this provision of law, the Secretary has restricted such acquisitions and transfers to segments which are part of the Federal-aid system. In some cases forest highways have been included. Accordingly, section 315 (d) proposes to change the law so that it follows the administrative practice in this respect and also includes highways affected by title II.

SEC. 316. HIGHWAY RELOCATION DUE TO AIRPORT.—Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to an	*1944 Act, section 11* Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to an

airport constructed or extended after December 20, 1944, or for the reconstruction or relocation of any highway which has been or may be closed or the usefulness of which has been or may be impaired by the location or construction of any airport constructed or extended after December 20, 1944, unless, prior to such construction or extension, as the case may be, the State highway department and the Secretary have concurred with the officials in charge of the airport that the location of such airport or extension thereof and the consequent reconstruction or relocation of the highway are in the public interest.

SEC. 317. LANDSCAPING.—The construction of highways by the States with sums apportioned in accordance with section 102 may include such roadside and landscape development, including such sanitary and other facilities as may be deemed reasonably necessary to provide for the suitable accommodation of the public, all within the highway right-of-way and adjacent publicly owned or controlled rest and recreational areas of limited size and with provision for convenient and safe access thereto by pedestrian and vehicular traffic, as may be approved by the Secretary. Such construction likewise may include the purchase of such adjacent strips of land of limited width and primary importance for the preservation of the natural beauty through which highways are constructed, as may be approved by the Secretary. Not to exceed 3 per centum of such sums, apportioned to a State in any fiscal year in accordance with section 102, may be used by it for

airport (if such airport has been constructed or extended after the date of enactment of this Act), or for the reconstruction or relocation of any highway which has been or may be closed or the usefulness of which has been or may be impaired by the location or construction of any airport (if such airport has been constructed or extended after the date of enactment of this Act), unless, prior to such extension or construction, as the case may be, the State highway department and the Public Roads Administration have concurred with the officials in charge of the airport that the location of such airport or extension thereof and the consequent reconstruction or relocation of the highway are in the public interest.

1940 Act, section 11

Hereafter the construction of highways by the States with the aid of Federal funds may include such roadside and landscape development, including such sanitary and other facilities as may be deemed reasonably necessary to provide for the suitable accommodation of the public, all within the highway right-of-way and adjacent publicly owned or controlled recreational areas of limited size and with provision for convenient and safe access thereto by pedestrian and vehicular traffic, as may be approved by the Public Roads Administration. Such construction likewise may include the purchase of such adjacent strips of land of limited width and primary importance for the preservation of the natural beauty through which highways are constructed, as may be approved by the Public Roads Administration: *Provided*, That not to exceed 3 per centum of the Federal-aid funds apportioned to and

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the purchase of such adjacent strips of land without being matched by such State.	matched by any State under this Act may be used for the purchase of such adjacent strips of land without being matched by the States.

The term rest areas has been added to publicly owned or controlled recreational areas as being more descriptive of the area adjacent to a right-of-way.

SEC. 318. AVAILABILITY OF APPROPRIATIONS.—The appropriations heretofore and hereafter made for the purpose of carrying out the provisions of prior acts and of this Act shall be available for the purpose of discharging the contractual obligations created under the provisions of this Act, and prior acts.

SEC. 319. GREAT RIVER ROAD.—To expedite the interstate planning and coordination of a continuous Great River Road and appurtenances thereto traversing the Mississippi Valley from Canada to the Gulf of Mexico in general conformity with the provisions of this Act and with the recommended plan set forth in the joint report submitted to the Congress November 28, 1951, by the Secretary and the Secretary of the Interior, pursuant to the Act of August 24, 1949 (Public Law 262, 81st Congress), the Secretary may expend not to exceed $250,000 from administrative funds, made available in accordance with paragraph (a) of section 102.

1954 Act, section 14

For the purpose of expediting the interstate planning and coordination of a continuous Great River Road and appurtenances thereto traversing the Mississippi Valley from Canada to the Gulf of Mexico in general conformity with the provisions of the Federal Aid Road Act of July 11, 1916, as amended and supplemented, and with the recommended plan set forth in the joint report submitted to the Congress November 28, 1951, by the Secretaries of Commerce and Interior pursuant to the Act of August 24, 1949 (Public Law 262, Eighty-first Congress), there is hereby authorized to be expended by the Secretary of Commerce from general administrative funds not to exceed $250,000; the amount expended under this section shall be apportioned among the ten States bordering the Mississippi River in proportion to the amount allocated by these respective States for the improvement and extension of existing sections of this highway project as approved by

the Secretary of Commerce in cooperation with other public agencies concerned therewith.

The provision in the 1954 Act for apportioning expenditures among the ten States bordering the Mississippi River has been omitted as it has been determined that this is administratively impracticable. Cooperation with such States and with other public agencies will, of course, continue without the necessity of requiring such cooperation in legislation.

SEC. 320. BRIDGES ON FEDERAL DAMS.—(a) Each executive department, independent establishment, office, board, bureau, commission, authority, administration, corporation wholly owned or controlled by the United States, or other agency of the Government of the United States, hereinafter collectively and individually referred to as "agency", which on or after July 29, 1946 has jurisdiction over and custody of any dam constructed or to be constructed and owned by or for the United States, is authorized, with any funds available to it, to design and construct any such dam in such manner that it will constitute and serve as a suitable and adequate foundation to support a public highway bridge upon and across such dam, and to design and construct upon the foundation thus provided a public highway bridge upon and across such dam. The highway department of the State in which such dam shall be located, jointly with the Secretary, shall first determine and certify to such agency that such bridge is economically desirable and needed as a link in the State or Federal-aid highway systems, and shall request such agency to design and construct such dam so that it will serve as a suitable and adequate foundation for a public highway bridge and to design and construct such public highway bridge upon and across such dam, and shall agree to reimburse such agency pursuant to paragraph (d) for any additional costs which it may be required to incur be-

Act approved July 29, 1946 (60 Stat. 709), section 1

That hereafter each executive department, independent establishment, office, board, bureau, commission, authority, administration, corporation wholly owned or controlled by the United States, or other agency of the Government of the United States, hereinafter collectively and individually referred to as "agency", now or hereafter having jurisdiction over and custody of any dam constructed or to be constructed and owned by or for the United States, shall be, and is hereby, authorized, with any funds available to it, to design and construct any such dam in such manner that it will constitute and serve as a suitable and adequate foundation to support a public highway bridge upon and across such dam, and to design and construct upon the foundation thus provided a public highway bridge upon and across such dam: *Provided,* That the highway department of the State in which such dam shall be located jointly with the United States Commissioner of Public Roads shall first determine and certify to such agency that such bridge is economically desirable and needed as a link in the State or Federal-aid highway systems, and shall request such agency to design and construct such dam so that it will serve as a suitable and adequate foundation for a public highway bridge and to design and construct such public highway bridge upon and across such dam, and shall agree to reimburse such agency pur-

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cause of the design and construction of such dam so that it will serve as a foundation for a public highway bridge and for any expenditures which it may find it necessary to make in designing and constructing such public highway bridge upon and across such dam. In no case shall the design and construction of a bridge upon and across any such dam be undertaken hereunder except by the agency having jurisdiction over and custody of the dam, acting directly or through contractors employed by it, and after such agency shall determine that it will be structurally feasible and will not interfere with the proper functioning and operation of the dam.	suant to section 4 hereof for any additional costs which it may be required to incur because of the design and construction of such dam so that it will serve as a foundation for a public highway bridge and for any expenditures which it may find it necessary to make in designing and constructing such public highway bridge upon and across such dam: *Provided further*, That in no case shall the design and construction of a bridge upon and across any such dam be undertaken hereunder except by the agency having jurisdiction over and custody of the dam, acting directly or through contractors employed by it, and after such agency shall determine that it will be structurally feasible and will not interfere with the proper functioning and operation of the dam.
(b) Construction of any bridge upon and across any dam pursuant to this section shall not be commenced unless and until the State in which such bridge is to be located, or the appropriate subdivision of such State, shall enter into an agreement with such agency and with the Secretary to construct, or cause to be constructed, with or without the aid of Federal funds, the approach roads necessary to connect such bridge with existing public highways and to maintain, or cause to be maintained, such approach roads from and after their completion. Such agreement may also provide for the design and construction of such bridge upon and across the dam by such agency of the United States and for reimbursing such agency the costs incurred by it in the design and construction of the bridge as provided in paragraph (d) hereof. Any such agency is hereby	*Act approved July 29, 1946 (60 Stat. 709), section 2* Construction of any bridge upon and across any dam pursuant to this Act shall not be commenced unless and until the State in which such bridge is to be located, or the appropriate subdivision of such State, shall enter into an agreement with such agency and with the Commissioner of Public Roads to construct, or cause to be constructed, with or without the aid of Federal funds, the approach roads necessary to connect such bridge with existing public highways and to maintain, or cause to be maintained, such approach roads from and after their completion. Such agreement may also provide for the design and construction of such bridge upon and across the dam by such agency of the United States and for reimbursing such agency the costs incurred by it in the design and construction of the

authorized to convey to the State, or to the appropriate subdivision thereof, without cost, such easements and rights-of-way in its custody or over lands of the United States in it custody and control as may be necessary, convenient, or proper for the location, construction, and maintenance of the approach roads referred to in this section, including such roadside parks or recreational areas of limited size as may be deemed necessary for the accommodation of the traveling public. Any bridge constructed pursuant to this section upon and across a dam in the custody and jurisdiction of any agency of the United States, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall constitute and remain a part of said dam and be maintained by the agency. Any such agency may enter into any such contracts and agreements with the State or its subdivisions respecting public use of any bridge so located and constructed as may be deemed appropriate, but no such bridge shall be closed to public use by the agency except in cases of emergency or when deemed necessary in the interest of national security.

(c) All costs and expenses incurred and expenditures made by any agency in the exercise of the powers and authority conferred by this section (but not including any costs, expenses, or expenditures which would have been required in any event to satisfy a legal road or bridge relocation obligation or to meet operating or other agency needs) shall be recorded and kept separate and apart from the other costs, expenses, and expenditures of such agency, and no portion thereof shall be charged or allocated to

bridge as provided in section 4 hereof. Any such agency is hereby authorized to convey to the State, or to the appropriate subdivision thereof, without cost, such easements and rights-of-way in its custody or over lands of the United States in its custody and control as may be necessary, convenient, or proper for the location, construction, and maintenance of the approach roads referred to in this section, including such roadside parks or recreational areas of limited size as may be deemed necessary for the accommodation of the traveling public. Any bridge constructed pursuant to this Act upon and across a dam in the custody and jurisdiction of any agency of the United States, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall constitute and remain a part of said dam and be maintained by the agency; *Provided, however,* That any such agency may enter into any such contracts and agreements with the State or its subdivisions respecting public use of any bridge so located and constructed as may be deemed appropriate, but no such bridge shall be closed to public use by the agency except in cases of emergency or when deemed necessary in the interest of national security.

Act approved July 29, 1946 (60 Stat. 709), section 3

All costs and expenses incurred and expenditures made by any agency in the exercise of the powers and authority conferred by this Act (but not including any costs, expenses, or expenditures which would have been required in any event to satisfy a legal road or bridge relocation obligation or to meet operating or other agency needs) shall be recorded and kept separate and apart from the other costs, expenses, and expenditures of such agency,

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flood control, navigation, irrigation, fertilizer production, the national defense, the development of power, or other program, purpose, or function of such agency.

(d) Not to exceed $10,000,000 of any money heretofore or hereafter appropriated for expenditure in accordance with the provisions of this Act or prior Acts shall be available for expenditure by the Secretary in accordance with the provisions of this section, as an emergency fund, to reimburse any agency for any additional costs or expenditures which it may be required to incur because of the design and construction of any such dam so that it will constitute and serve as a foundation for a public highway bridge upon and across such dam and to reimburse any such agency for any costs, expenses, or expenditures which it may be required to make in designing and constructing any such bridge upon and across a dam in accordance with the provisions of this section, except such costs, expenses, or expenditures as would have been required of such agency in any event to satisfy a legal obligation to relocate a highway or bridge or to meet operating or other agency needs, and there is hereby authorized to be appropriated any sum or sums necessary to reimburse the funds so expended by the Secretary from time to time under the authority of this section. Of each bridge constructed upon and across a dam under the provisions of this section, there may be financed wholly with Federal funds that portion thereof which is located within the physical limits of the masonry structure, or

Sources in Prior Laws

and no portion thereof shall be charged or allocated to flood control, navigation, irrigation, fertilizer production, the national defense, the development of power, or other program, purpose, or function of such agency.

Act approved July 29, 1946 (60 Stat. 709), section 4

Not to exceed $10,000,000 of any money heretofore or hereafter appropriated for expenditure in accordance with the provisions of the Federal Highway Act (42 Stat. 212), as amended and supplemented, shall be available for expenditure by the Commissioner of Public Roads in accordance with the provisions of this Act, as an emergency fund, to reimburse any agency for any additional costs or expenditures which it may be required to incur because of the design and construction of any such dam so that it will constitute and serve as a foundation for a public highway bridge upon and across such dam and to reimburse any such agency for any costs, expenses, or expenditures which may be required to make in designing and constructing any such bridge upon and across a dam in accordance with the provisions of this Act, except such costs, expenses, or expenditures as would have been required of such agency in any event to satisfy a legal obligation to relocate a highway or bridge or to meet operating or other agency needs, and there is hereby authorized to be appropriated any sum or sums necessary to reimburse the funds so expended by the Commissioner of Public Roads from time to time under the authority of this section. Of each bridge constructed upon and across a dam under the provisions of this Act, there may be

structures, of the dam, and the Secretary shall in his sole discretion determine what additional portion of the bridge, if any, may be so financed, such determination to be final and conclusive. The remainder of the bridge, and any necessary related approach roads, shall be financed by the State or its appropriate subdivision, with or without the aid of Federal funds; but said portion of the bridge so financed by the State or its subdivisions, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall nevertheless be designed and constructed solely by the agency having custody and jurisdiction of the dam as provided in paragraph (a) of this section.

(e) In making, reviewing, or approving the design of any bridge or approach structure to be constructed under this section, the agency shall, in matters relating to roadway design, loadings, clearances and widths, and traffic safeguards, give full consideration to and be guided by the standards and advice of the Secretary.

(f) The authority conferred by this section shall be in addition to and not in limitation of authority conferred upon any agency by any other law, and nothing in this section contained shall affect or be deemed to relate to any bridge, approach structure, or highway constructed or to be constructed by any such agency in furtherance of its lawful purposes and requirements or to satisfy a legal obligation incurred independently of this section.

financed wholly with Federal funds that portion thereof which is located within the physical limits of the masonry structure, or structures, of the dam, and the Commissioner of Public Roads shall in his sole discretion determine what additional portion of the bridge, if any, may be so financed, such determination to be final and conclusive. The remainder of the bridge, and any necessary related approach roads, shall be financed by the State or its appropriate subdivision, with or without the aid of Federal funds; but said portion of the bridge so financed by the State or its subdivisions, including such portion thereof, if any, as may extend beyond the physical limits of the dam, shall nevertheless be designed and constructed solely by the agency having custody and jurisdiction of the dam as provided in section 1 hereof.

Act approved July 29, 1946 (60 Stat. 709), section 5

In making, reviewing, or approving the design of any bridge or approach structure to be constructed under this Act the agency shall, in matters relating to roadway design, loadings, clearances and widths, and traffic safeguards, give full consideration to and be guided by the standards and advice of the Public Roads Administration.

Act approved July 29, 1946 (60 Stat. 709), section 6

The authority conferred by this Act shall be in addition to and not in limitation of authority conferred upon any agency by any other law, and nothing in this Act contained shall affect or be deemed to relate to any bridge, approach structure, or highway constructed or to be constructed by any such agency in furtherance of its lawful purposes and requirements or to satisfy a legal obligation incurred independently of this Act.

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SEC. 321. REPEAL OF PRIOR ACTS.—Those acts and portions of acts cited by reference to the Statutes at Large enumerated in schedule A, which schedule is hereby made a part of this Act, except for the provisions and sections therein excepted, are hereby repealed.

SEC. 322. CONSTRUCTION OF THIS ACT.—(a) If any section, paragraph, or other provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such section, paragraph, or other provision to other persons or circumstances shall not be affected thereby.

(b) Whenever in this Act the singular is used, it shall be deemed also to include the plural if the context so requires.

(c) Whenever in this Act reference is made to an apportionment "in accordance with section 102" it shall be deemed to include unexpended apportionments made under prior acts.

SEC. 323. SAVINGS CLAUSE.—Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior acts or portions thereof under section 321.

SEC. 324. DEFINITIONS.—As used in this Act, unless the context requires otherwise—

(a) The term "construction" means the supervising, inspecting, actual building, or rebuilding of a highway, or portion thereof.

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1944 Act, section 1, part

The term "construction" means the supervising, inspecting, actual building * * * of a highway * * *

(b) The term "cost of construction" means all expenses of, and incidental to, the construction of a highway or portion thereof, including, without limiting the generality of the foregoing, the planning, locating, and designing, the acquisitition of rights-of-way, and the elimination of hazards of railway-highway crossings.

1944 Act, section 1, part

The term "construction" means * * * and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping costs of rights-of-way, and elimination of hazards of railway-grade crossings.

In the 1944 Act the term "construction" is defined and included in the definition as certain expenses. For the sake of clairfication, the items of expenses have been included in a separate definition of the term "cost of construction."

(c) The term "county" includes corresponding units of government under any other name in States which do not have county organizations, and likewise in those States in which the county government does not have jurisidiction over highways it may be construed to mean any local government unit vested with jurisdiction over local highways.

1950 Act, section 2, last proviso

Provided further, That the term "county" as used in this section shall be construed to include corresponding units of government under any other name in States which do not have county organizations, and likewise in those States in which the county government does not have jurisdiction over highways it may be construed to mean any local governmental unit vested with jurisdiction over local highways.

(d) The term "forest road" means a highway wholly or partly within or adjacent to and serving the national forests.

1921 Act, section 2, part

The term "forest roads" means roads wholly or partly within or adjacent to and serving the national forests.

(e) The term "forest development roads and trails" means those forest roads or trails of primary importance for the protection, administration and utilization of the national forests, or where necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent.

1921 Act, section 23 (a), part

* * * roads and trails of primary importance for the protection, administration, and utilization of the national forests, or when necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent * * *.

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(f) The term "forest highway" means a forest road which is of primary importance to the States, counties, or communities within, adjoining, or adjacent to the national forests.	*1921 Act, section 23 (a), part* * * * forest roads, of primary importance to the State, counties, or communities within, adjoining, or adjacent to the national forests * * *.

Neither "forest highways" nor "forest development roads and trails" have been specifically defined in prior Acts. The definitions conform to accepted administrative usage.

(g) The term "highway" means a public way for purposes of vehicular travel and includes roads, streets, parkways, the entire area within a right-of-way, bridges, railroad grade separations, tunnels, drainage structures, signs, guard rails, footpaths, and protective structures. Without limiting the generality of the foregoing, it includes that portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State highway department, including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel.	*1921 Act, section 2, part* The term "highway" includes rights-of-way, bridges, drainage structures, signs, guard rails, and protective structures in connection with highways. * * * *1936 Act, section 1 (c)* The term "highway" as defined in the Federal Highway Act, approved November 9, 1921, as amended and supplemented, shall be deemed to include such main parkways as may be designated by the State and approved by the Secretary of Agriculture as part of the Federal-aid highway system. *1938 Act, section 1 (e)* The term "highway" as defined in the Federal Highway Act (42 Stat. 212), as amended and supplemented, shall be deemed to include that portion of any interstate or international bridge and the approaches thereto, the cost of whch is assumed by the State highway department, including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of such bridge.
(l) The term "Federal-aid highways" means highways located on one of the Federal-aid systems described in section 103.	

1954 Act, section 15

The term "highway" as defined in section 2 of the Federal Highway Act of November 9, 1921 (42 Stat. 212), as amended and supplemented, shall be deemed to include "tunnels".

The definition of "highway" is all-inclusive. "Footpaths" for pedestrian traffic is added to the existing definition. Tunnels are added to interstate or international bridges.

(h) The term "Indian reservation road" means a highway located within an Indian reservation or to provide access to an Indian reservation or Indian land, and not on a Federal-aid system.

Act approved May 26, 1928 (45 Stat. 750), part

* * * Indian reservation roads not eligible to Government aid under the Federal Highway Act * * *.

1954 Act, section 4 (c), part

* * * Indian reservation roads and bridges and roads and bridges to provide access to Indian reservations and Indian lands * * *.

(i) The term "maintenance" means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such uniform traffic control devices as are necessary for its safe and efficient utilization.

1921 Act, section 2, part

The term "maintenance" means the constant making of needed repairs to preserve a smooth surfaced highway.

The definition of maintenance in the existing law relates only to the highway surface. The definition here proposed broadens the existing definition to cover the entire highway and to include the shoulders, roadsides, structures, and uniform traffic control devices. Experience has indicated the need for modernizing the definition in the manner proposed to meet present day conditions.

(j) The term "park roads and trails" means those highways or trails, including the necessary bridges, located in national parks or monuments, now or hereafter established, or in other areas administered by the National Park Service of the Department of the Interior (excluding parkways authorized by Acts of Congress) and also including

1954 Act, section 4 (a), part

* * * roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized

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approach roads to national parks or monuments authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended.	by the Act of January 31, 1931 (46 Stat. 1053), as amended * * *
(k) The term "parkway", as used in title II, means a parkway authorized by an act of Congress on lands to which title is vested in the United States.	*1954 Act, section 4 (b), part* * * * parkways, authorized by Acts of Congress, on lands to which title is vested in the United States * * *.
"Parkway" has not been defined specifically in prior acts. However, this is the definition which has been used in the authorizations sections of the acts since 1950.	
(l) The term "prior acts" means those acts enumerated in Schedule A of this Act.	
(m) The term "project" means an undertaking to construct a particular portion of a highway or, if the context so implies, the particular portion of a highway so constructed.	
(n) The term "project agreement" means the formal instrument to be executed by the State highway department and the Secretary as required by the provisions of paragraph (a) of section 107.	
(o) The term "public lands highways" means main highways through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations.	*1954 Act, section 5, part* * * * main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations * * *.
(p) The term "rural areas" means all areas of a State not included in urban areas.	*1944 Act, section 1, part* The term "rural areas" means all areas of the State not included in "urban areas".
(q) The term "Secretary" means Secretary of Commerce.	
(r) The term "State" means any one of the forty-eight States, the District of Columbia, Hawaii, or Puerto Rico.	

(s) The term "State funds" includes for the purposes of this Act funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

1921 Act, section 2, part

The term "State funds" includes for the purposes of this Act funds raised under the authority of the State, or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

(t) The term "State highway department" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

1921 Act, section 2, part

The term "State highway department" includes any State department, commission, board, or official having adequate powers and suitably equipped and organized to discharge to the satisfaction of the Secretary of Agriculture the duties herein required.

(u) The term "Federal-aid system" means any one of the Federal-aid highway systems described in section 103.

(v) The term "Federal-aid primary system" means the Federal-aid highway system described in paragraph (b) of section 103.

(w) The term "Federal-aid secondary system" means the Federal-aid highway system described in paragraph (c) of section 103.

(x) The term "interstate system" means the national system of interstate highways described in paragraph (d) of section 103.

(y) The term "urban area" means an area including and adjacent to a municipality or other urban place having a population of five thousand or more, as determined by the latest available Federal census, within boundaries to be fixed by a State highway department subject to the approval of the Secretary.

1944 Act, section 1, part

The term "urban area" means an area including and adjacent to a municipality or other urban place, of five thousand or more, the population of such included municipality or other urban place to be determined by the latest available Federal census. The boundaries of urban areas, as defined herein, will be fixed by the State highway department of each State subject to the approval of the Public Roads Administration.

○